



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
10 July 2024

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-eighth session

Summary record of the 554th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 4 June 2024, at 3 p.m.

Chair: Ms. Diallo
later: Mr. Ceriani Cernadas (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 73 of the Convention
(*continued*)

Fourth periodic report of Senegal

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Fourth periodic report of Senegal (CMW/C/SEN/4; CMW/C/SEN/QPR/4)

1. *At the invitation of the Chair, the delegation of Senegal joined the meeting.*
2. *In accordance with the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), the Chair withdrew during the consideration of the fourth periodic report of Senegal.*
3. *Mr. Ceriani Cernadas (Vice-Chair) took the Chair.*
4. **A representative of Senegal**, introducing his country's fourth periodic report (CMW/C/SEN/4), said that civil society stakeholders and the Senegalese Human Rights Committee had actively participated in the preparation of the text, through their membership of the National Advisory Council on Human Rights and International Humanitarian Law, which was the national mechanism for drafting reports to and following up on recommendations of international human rights bodies. The Advisory Council also comprised representatives of the National Assembly and the National Agency for Statistics and Demography, and it carried out its work in consultation with the justice system and specialized agencies.
5. Senegal had ratified the major international instruments on the protection of the rights of workers, including migrants and members of their families, and had taken numerous steps in recent years to uphold the commitments it had undertaken. For example, amendments had been made to the Labour Code in 2022 to address discrimination in the workplace, and Decree No. 2021-1469 of 3 November 2021, on the working conditions of pregnant women, had prohibited the employment of pregnant women in certain types of work and set out protections for women who were breastfeeding. Moreover, the country's national migration policy had been updated in 2023 to provide for the development of a strategy on labour migration management, the conclusion of social security agreements with countries of destination, the implementation of public awareness-raising and training activities on migrants' right of access to civil registration and the integration of migrants into social protection programmes. Act No. 2022-01 of 14 April 2022 on the status of refugees and stateless persons had provided for the establishment of an administrative body responsible for the legal and administrative protection of refugees and stateless persons, introduced a right of appeal against decisions regarding refugee or statelessness status and recognized the right to family reunification.
6. Steps had been taken to strengthen national institutions for the protection and promotion of human rights. For example, the Government had almost doubled the budget of the National Observatory of Places of Deprivation of Liberty, which was the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. A decree on the organization of the Ministry of Justice had ended the Observatory's functional dependence on the Ministry, and the 2019 law on the Observatory was being amended to increase its independence.
7. The Ministry of Justice had introduced a draft decree intended to enhance criminal law provisions on trafficking in persons, smuggling of migrants and forced begging and to establish a body and fund for the protection of victims and witnesses. A process had been launched to overhaul the Senegalese Human Rights Committee and bring it into line with the Paris Principles. The Government had introduced a number of initiatives to enhance social protection and expand access to basic social services, including the Emergency Community Development Programme, which was intended to increase the availability of basic social services in rural areas; the National Family Security Grant Programme, designed to reduce families' vulnerability and exclusion through cash transfers; universal health coverage; and the Directorate for the Fast-Tracking of Women and Young Entrepreneurs.
8. **Mr. Charef** (Country Rapporteur) said that the Committee welcomed the State party's status as a champion country for the implementation of the Global Compact for Safe, Orderly and Regular Migration, its involvement in the Nansen Initiative and the role that Senegalese

civil society played in the defence of migrants' rights. He would appreciate further information on the steps being taken to bring the Senegalese Human Rights Committee into compliance with the Paris Principles, including with respect to the resources available to it and the appointment of its members. It would also be helpful to know how the State party planned to increase the availability of reliable data and how it provided assistance to Senegalese migrants working abroad, given that many worked in places where there were no Senegalese consulates.

9. **Mr. Babacar** (Country Rapporteur) said that he wished to know whether the State party intended to ratify or accede to the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Domestic Workers Convention, 2011 (No. 189), and the ILO Violence and Harassment Convention, 2019 (No. 190), and incorporate their provisions into its domestic law. He wondered whether the State party was considering a complete overhaul of the Labour Code to fully incorporate the provisions of the human rights and labour conventions to which it had become a party in recent years. He would appreciate comment from the delegation on reports that, despite the agreements that Senegal had signed with a number of countries to facilitate regular migration, Senegalese migrants continued to face significant difficulties in obtaining visas. He would also like to find out about any plans to shorten the decision-making period and expand the right to appeal on the status of refugees and stateless persons, as the Committee had received reports that a decision on refugee and statelessness status could take up to three months and appeals could be filed only with the President of the Republic.

10. **Ms. Poussi** said that she welcomed the State party's efforts to include statistics throughout its report and particularly in paragraph 197, in which it had provided data on migration movements to and from Senegal. She would be interested to learn about the obstacles that had prevented the successful conclusion of discussions concerning bilateral agreements on migration management between the State party and Italy, Saudi Arabia and the United Arab Emirates. She would welcome more information about the factors that continued to drive people to engage in irregular migration despite the dangers involved, as well as about the concrete measures being taken by the authorities to prevent such migration. She would be grateful for an outline of the content of the national strategy to combat irregular migration (2023–2033) and the expected outcomes thereof. It would be useful to know whether any specific programmes were in place to provide psychological support to the families of persons who had died as a result of migration-related tragedies, as well as to the survivors of such tragedies.

11. She wished to know which of the recommendations made by the Senegalese Human Rights Committee following its study entitled "The female face of irregular migration", conducted in 2021, had been implemented by the Government. In connection with efforts to combat trafficking in persons, she would be interested to learn more about the "Systraite" data-collection system, including when it had been introduced, how it worked, how the data was used and by whom. With regard to data collection and statistics, she wished to know whether the State party had received support from the African Migration Observatory.

12. **Ms. Gahar** said that she would welcome details of how many civil society organizations participated in the work of the National Advisory Council on Human Rights and International Humanitarian Law and of the contribution they had made to the drafting of the State party's report. It was unclear whether any universities were members of the Advisory Council. She wished to receive statistics on birth registrations for children of migrant workers, as well as information on the main challenges the State party faced in its efforts to improve the birth registration system.

13. **Mr. Corzo Sosa** said that, in follow-up to the Committee's concluding observations on the State party's combined second and third periodic reports (CMW/C/SEN/CO/2-3), he wished to know whether irregular migration was still criminalized in the State party and, if so, how many people had been detained for migration-related offences and for how long. He also wished to know what progress had been made in ensuring that migrant workers and members of their families were able to obtain urgent medical care when required. The delegation might provide details of the eligibility requirements of the special fund to assist Senegalese migrants with return and reintegration, as well as information on the steps taken

to facilitate the return and long-term reintegration of migrant workers and members of their families.

14. He would welcome an account of the Government's efforts to address trafficking in persons, and trafficking of children in particular. He wished to hear the delegation's response to reports that unofficial charges of €600 were levied on persons wishing to obtain an appointment to submit an application for an exit visa to leave the State party and take up employment abroad. He would appreciate an update on how judges in the State party applied the provisions of the Convention in their decisions. Lastly, he wondered whether the State party planned to withdraw its reservations to articles 76 and 77 of the Convention, pertaining to inter-State communications and individual communications procedures, respectively.

15. **The Chair** said that he would welcome more information about the activities undertaken in Senegalese territory by the Spanish Civil Guard pursuant to the bilateral agreement between the State party and Spain, including with regard to how the authorities ensured that those activities were aligned with the provisions of the Convention concerning due process guarantees, non-refoulement and the rights of unaccompanied children. He would be interested to hear about any studies that had been conducted to examine the impact that bilateral agreements on fishing rights had had on the State party's fishing industry and whether those agreements were among the factors driving workers to migrate.

16. It would be helpful to receive details of any measures that were in place to verify the identities of migrants who had drowned attempting to reach the Canary Islands, as well as to inform their family members of their fate and, where necessary, help those families seek justice. He wished to know whether the Government provided support to the associations such families had set up in the State party and elsewhere, and whether those associations had been involved in the drafting of the State party's report. He would appreciate an account of the measures taken to provide specialized consular support to unaccompanied children outside the State party and to provide passport and identification card renewal services in countries where the State party had no consular representation.

The meeting was suspended at 4.10 p.m. and resumed at 4.45 p.m.

17. **A representative of Senegal** said that the Senegalese Human Rights Committee had lost its category A status in 2012. Since then, the Government had increased the Committee's budget to enable it to recruit more staff and obtain suitable premises in which to perform its work. New legislation would soon be adopted which, it was hoped, would pave the way for the Senegalese Human Rights Committee to regain its A status. Civil society had played an active role in the work of the National Advisory Council on Human Rights and International Humanitarian Law since its establishment in 2018, and had been involved in the drafting of the State party's report. Although around a dozen civil society organizations were currently represented on the Advisory Council, the Minister of Justice had asked a large number of other organizations to nominate representatives in a bid to expand the scope of the Council's work. The Human Rights and Peace Institute of the Cheikh Anta Diop University in Dakar, which had traditionally been a member of the Council, had also been invited to put forward a candidate as part of the expansion.

18. **A representative of Senegal** said that there were no real obstacles to bilateral social security agreements with other countries. Senegal had such agreements with Qatar, Spain and France. Negotiations were under way on a clause to be added to the agreement with France, and steps had been taken with a view to entering into such agreements with other countries, including Belgium, Brazil, Italy, Saudi Arabia and the United Arab Emirates. No plans had been made to ratify ILO Conventions No. 143, No. 189 and No. 190. Legislative developments, including the ongoing reform of the Labour Code, were nonetheless informed by those instruments.

19. A steering committee on which employers, workers and the Government were represented had been set up to initiate the overhaul of the Labour Code. Another committee, more technically focused, had also proposed amendments, and it had nearly finished its work, which covered a wide range of relevant issues. The next step, which would be taken later in the month, was to submit the overhauled Code to the National Labour and Social Security Advisory Council, another tripartite body. It would then be submitted to the executive authorities before being considered by the country's lawmakers. An expert from the

International Labour Office had produced a study that shed light on gaps in Senegalese labour law – for example, provisions of ILO instruments ratified by Senegal for which there was no equivalent in national legislation. That study had informed work on the reform of the Code, which would also take into account the new Government’s priorities.

20. **A representative of Senegal** said that the system for the management of information on trafficking in persons had been launched in five pilot jurisdictions – Dakar, Thiès, Tambacounda, Kédougou and Saint-Louis – three years earlier. The system, which had been developed in part to track the progress of judicial proceedings instituted in connection with trafficking in persons, had worked imperfectly, not least because the potential users had not been properly familiarized with it. Differing approaches to the legal characterization of trafficking offences also posed problems. A table of offences, including descriptions, had been produced in a bid to harmonize the terminological approaches to dealing with trafficking in persons.

21. Under a proposed amendment to the Code of Criminal Procedure, victims and witnesses, minors in particular, would be afforded additional protection. That additional protection could include a housing award, legal aid, social, medical or psychological assistance, consular assistance, repatriation and regularization of migration status. A legal representative might be appointed for a minor. No victim of trafficking in persons or the smuggling of migrants could be prosecuted under Act No. 2005-06 of 10 May 2005 unless he or she was an adult who had knowingly contributed to the commission of the offence.

22. **A representative of Senegal** said that a number of steps had been taken, including the establishment of a new civil status agency and the formulation of plans to review the relevant provisions of the Family Code, to improve civil registration procedures. Civil status offices could be found in each of the country’s communes. Foreign nationals were registered by the civil registration officials of the consulate or embassy of their countries of origin. Children whose nationality could not be determined were naturalized. The authorities had taken measures to address the plight of unaccompanied child migrants and children in street situations. For example, plans had been made to build 150 modern Qur’anic schools that were to be staffed by 1,000 teachers recruited by the State, and in 2022 the President had decided that additional funds should be set aside for all the country’s Qur’anic schools, both the traditional and the modern. Act No. 2005-06 was being amended to fortify the legislative framework underpinning efforts to combat forced begging by children.

23. Spanish aircraft flew over the Senegalese coast on surveillance missions. When clandestine migrants were spotted at sea, the Senegalese authorities intervened, towing the boats back to shore and turning the traffickers over to the National Gendarmerie. Any unaccompanied minors found aboard were placed in the care of the relevant authorities. Efforts were then made to locate their parents, to whom, in most cases, the children were returned. Those efforts were facilitated by a system interlinking the child protection services of the members of the Economic Community of West African States. The Senegalese child protection authorities did not intervene in Spain, so unaccompanied Senegalese minors who arrived in the Canary Islands or elsewhere in Spain were assisted by the Spanish child protection authorities until they turned 18.

24. **A representative of Senegal** said that his country’s diplomatic network consisted of 3 permanent missions, 52 embassies and 18 consulates. Consulates provided administrative and other services in areas where there were large populations of Senegalese abroad. Where there were no consulates, those services were provided by the embassy or, as in Geneva, the permanent mission. It would be very difficult for the country to open diplomatic missions everywhere there were Senegalese nationals, who could be found in the four corners of the Earth.

25. Since 2008, Senegal had had a fund, administered by the Ministry of African Integration and Foreign Affairs, to support projects developed by Senegalese nationals living abroad. In its first year of activity, 121 projects had been funded; 500 million CFA francs had been set aside for 100 projects in 2024.

26. Migrant reception and referral offices had been set up in all 14 of the country’s regions and at the main international airport to offer support and advice to returning members of the Senegalese diaspora. Returning Senegalese migrants could also seek support, including for

starting businesses, from a mechanism set up in conjunction with the International Organization for Migration.

27. **A representative of Senegal** said that the countries that had diplomatic missions in Senegal issued visas on their own terms. The Government could highlight the difficulties the country's people faced in their attempts to obtain visas, but there was little scope for any further action. In any event, there were no exit visas in Senegal. Any Senegalese national who wished to try his or her luck abroad should have the right to do so.

28. The feasibility of withdrawing the country's reservations to the Convention would be discussed with officials from the relevant ministries. The new Government, which was aware that the increasing scarcity of marine resources in the country's coastal fisheries was a cause of irregular migration, had announced that it intended to review the international fishing agreements to which Senegal was a party. The services provided to repatriated prospective migrants included reinsertion support and help finding appropriate training opportunities. The aim was to discourage irregular migration and help repatriated migrants make a living in Senegal. In some cases, the services were provided with the support of partner countries.

29. **Mr. Babacar** said that he wished to know whether plans had been made to repeal the provision – incompatible with article 3 of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which the State party had ratified – that could prevent foreign nationals legally resident in Senegal from holding leadership positions in Senegalese trade unions. He also wished to know exactly what the national migration policy adopted by the State party involved. He wondered, for example, whether it involved specific time frames and whether there would be an assessment to determine whether or not policy goals had been achieved. In addition, he wondered what had been done, including in the educational institutions attended by prospective public officials, to familiarize relevant stakeholders with the Convention. Labour inspectors played a key role in the implementation of the Convention. How many such inspectors did the State party have? Were they active throughout its territory?

30. **Mr. Charef** said that he wondered how many migrant smuggling networks had been dismantled as a result of the enforcement measures that the State party took in cooperation with such countries as Spain. He wished to know more about the steps that were taken to help alleviate the suffering of the Senegalese migrants, many of them young, who had been sent back to the State party from Spain or other countries. He wondered, for example, whether anything was done to help them generate the income they would need to pay back any money that they had borrowed to pay for their journey in the first place, how many people worked for the migrant reception and referral offices and what the total budget for the offices' activities was.

31. It would be helpful to learn what plans had been made to eliminate child labour, in particular on farms and in mines, and begging by children. It would be useful to learn, too, how the agents who placed Senegalese women from the countryside in domestic employment in Senegalese cities or abroad operated, whether the authorities had any reliable data on the activities of those agents and, in short, what was done to empower domestic workers, who made a living behind closed doors.

32. Grass-roots development organizations were active in the areas on both banks of the Senegal River. It would be interesting to know what measures were being taken to encourage the spread of such organizations to the rest of the country. Lastly, he wondered whether it was true that Djibril Agi Sylla, a Guinean activist and blogger highly critical of his country's regime, had been arrested in the State party and was at risk of being deported to Guinea.

33. **Mr. Oumaria** said that he would welcome a general description of the State party's national migration policy. He wondered whether it might not be advisable for the authorities to focus more closely on migration from one African country to another, which involved large numbers of migrants, than on migration to Europe.

34. **Ms. Dzumhur** said that she, too, would welcome a comment from the delegation on the State party's general approach to migration issues. She wondered what legislative or institutional measures the State party intended to take to promote gender equality, as discrimination could be one of the reasons that women, who accounted for nearly half of

Senegalese migrants, left the State party. She wondered, too, what was done to protect lesbian, gay, bisexual and transgender people, how the authorities intended to put an end to begging by children, how many returning migrants had benefited from the Assisted Voluntary Return and Reintegration Programme and what lessons had been learned from the State party's participation in the Programme. Lastly, she wished to know whether remittance flows were affected by any inter-State frictions and whether the State party had a diplomatic mission in, or a cooperation agreement with, every country that had a large Senegalese population.

35. **Mr. Taghi-Zada** said that he wondered how the rights provided for in the State party's agreements with the countries of transit and of destination of Senegalese migrants compared with those enshrined in the Convention.

36. **Ms. Gahar** asked why the State party had not adopted a legal code to bring its legislation into line with the Convention on the Rights of the Child and how, in the absence of such a code, it intended to protect and promote the rights of the many children in its territory whose search for a better life had uprooted them from their homes.

37. **Ms. Poussi** said that she wished to know, as she had noted earlier, whether any action had been taken in follow-up to the recommendations made by the Senegalese Human Rights Committee in its study entitled "The female face of irregular migration".

38. **Mr. Ünver** asked whether large numbers of workers from other African countries were immigrating to Senegal.

The meeting rose at 5.55 p.m.