



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

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
Twelfth session  
26–30 April 2010

## **Consideration of reports submitted by States parties under article 73 of the Convention**

**List of issues to be taken up in connection with the consideration of the  
initial report of Senegal (CMW/C/SEN/1)\***

### **I. General information**

1. Please provide official estimates of the number of migrant workers in the State party, including those who are undocumented or in an irregular situation and those in transit, disaggregated by sex, age, nationality and ethnic origin. What measures have been taken to make available consistent, exhaustive and reliable statistics?
2. Please indicate the number of Senegalese migrant workers who return to the country (voluntarily or involuntarily).
3. Senegal has not yet ratified the International Labour Organization (ILO) Convention concerning Migration for Employment (No. 97) or the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143). Does the State party have any plans to ratify these Conventions? If so, when?
4. Please provide details on the Government mechanisms in place to protect Senegalese migrants as mentioned in paragraph 45 of the State party's report.
5. Please provide more detailed information on the special services the State party has set up for Senegalese migrants abroad and on how they endeavour to protect the rights of migrants (para. 54). Please also provide clarification/information on the programmes and policies developed and implemented by the Ministry for Senegalese Abroad for migrants returning to the country (para. 45).

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\* Paragraph numbers mentioned in brackets in this document refer to the report of the State party published under symbol CMW/C/SEN/1.

6. Please describe the role, if any, of non-governmental organizations (NGOs) in implementing the Convention and in preparing the State party's report (see paragraph 3 (d) of the Committee's provisional guidelines on the form and content of initial reports).
7. Please indicate whether the national legislation provides for the application of the Convention to refugees and stateless persons (Convention, art. 3 (d)).
8. Once ratified, the Convention became part of the internal legal order of Senegal (report, para. 1). Has the Convention been directly invoked in any court cases? If so, what was the outcome?
9. Please provide more details on the information strategies (para. 58) developed by the Ministry of the Interior and the Ministry for Senegalese Abroad to inform migrants in Senegal and Senegalese migrants abroad of Government legislation, policies and programmes to promote and protect their rights. Kindly also provide information on the measures the State party has taken to promote and publicize the Convention and to increase awareness and understanding of its provisions among migrant workers and members of their families in the territory of the State party, public officials and the general public. Has the Convention been translated into the national languages? Please also indicate whether there are any special training programmes on the Convention for the relevant public officials, such as border police officers, embassy and consulate staff and social workers, as well as judges, prosecutors and relevant government officials.
10. Please provide information on legislation and measures that include mechanisms to monitor the status of migrant women and indicate whether those measures include guarantees against exploitation and violence.
11. Please indicate whether any data exist on the effect of migration on families, particularly on the children of migrant workers who are likely to be abandoned by their parents, or unaccompanied children who emigrate. Please also indicate whether any measures exist to monitor the situation of such children and to protect them, and whether studies have been carried out on the effects of migration on children.

## **II. Information relating to the articles of the Convention**

### **(a) General principles**

12. Please clarify whether the national legislation ensuring that all migrant workers and members of their families have the rights provided for in the Convention without distinction of any kind covers all the prohibited grounds of discrimination enumerated in article 1, paragraph 1, and article 7, of the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status.

### **(b) Part III of the Convention**

#### **Article 23**

13. Please provide information on measures taken to guarantee the right of migrant workers and members of their families in Senegal to have recourse to consular assistance in the case of detention or expulsion and to increase awareness among them of this right.

14. Please specify how Senegalese migrant workers and their families are informed about the consular services available to them, including the right to have recourse to consular assistance in the case of detention or expulsion.

**Article 26**

15. The Senegalese Labour Code recognizes the right of migrant workers to join a trade union and, if they have lived in Senegal for at least five years, to hold a leadership position in a trade union. Please provide information if possible on the number of immigrant workers (whether documented or not) who are members of trade unions in Senegal.

**Article 31**

16. Please provide information, if applicable, on measures taken to aid and encourage action to ensure respect for the cultural identity of migrant workers.

**Article 33**

17. Please provide further information on how the State party informs Senegalese nationals wishing to emigrate about their rights under the Convention and about their rights and obligations in the State of employment.

**(c) Part IV of the Convention****Article 40**

18. Please clarify whether documented migrant workers have the right to form trade unions and associations.

**Article 41**

19. Please provide further information on measures taken by the State party to guarantee the exercise of the right to vote by migrant workers and members of their families living abroad.

**Article 42**

20. Please provide information on the measures and policies undertaken to facilitate (a) the consultation of migrant workers and members of their families relating to decisions concerning the life and administration of local communities, or (b) their participation in the decision-making process.

21. Please indicate whether migrant workers in Senegal are able to have their representatives freely chosen in institutions whose aim is to take account of the special needs, aspirations and obligations of migrant workers and members of their families.

**Article 46**

22. Please clarify whether migrant workers from member States of the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (WAEMU), who benefit from the same treatment as Senegalese nationals regarding imports, are exempt from import duties on their personal effects when they first arrive in Senegal and when they definitively return to their country of origin.

**Article 47**

23. Please provide further information on remittances transferred by migrant workers abroad. Are any taxes levied on incoming remittances? Please provide information on any measures adopted to facilitate transfers of migrant workers' earnings and savings. Please also clarify the regulations on taxes, exports and remittances that apply to migrant workers when they transfer remittances to their country of origin.

**(d) Part VI of the Convention**

**Article 64**

24. Please provide detailed and updated information on bilateral and multilateral agreements, including the proposed programme to recruit Senegalese migrant workers to work in Spain. Please provide information in particular on how these agreements guarantee sound, equitable and humane conditions for migrant workers and address the social, economic, cultural and other needs of migrant workers and members of their families.

**Article 65**

25. Please inform the Committee whether services are provided by embassies and consulates to Senegalese migrant workers abroad and indicate how many people have benefited from these services since ratification of the Convention, under what circumstances the services have been provided, and any problems or obstacles encountered by the State party in providing these services.

**Article 66**

26. Please provide information on the measures taken to regulate the recruitment within the State party of Senegalese nationals for employment abroad.

**Article 67**

27. Please provide additional details on the activities of the operational service specializing in the repatriation of Senegalese nationals in crisis situations (para. 105).

**Article 68**

28. Please provide information on measures taken to prevent illegal or clandestine movements of migrant workers and members of their families, including through organized smuggling, especially of children. Please also indicate whether migrant workers who are victims of trafficking are protected from prosecution, including under the 2005 Act on combating trafficking in persons and related practices. Please provide information on migrant workers who transit through the State party, in particular with regard to their protection from all forms of organized crime.

29. Please provide information on the number of persons trafficked to, from, through and within the State party since 1 July 2003, disaggregated by sex, age, nationality and purpose of trafficking. If no precise numbers are available, please provide estimates. Please provide detailed information on cases where persons were convicted of crimes related to trafficking in human beings and smuggling of migrants.

30. Please indicate what measures the State party has taken, apart from bilateral agreements, to prevent the irregular migration of Senegalese nationals, including unaccompanied children.

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