

## 4.13 Senegal

### 4.13.1 Migration trends

#### 4.13.1.1 Immigration

Although Senegal has traditionally been an important country of destination for West and Central African migrants, it has gradually lost its attractiveness. It still remains a country of transit for migrants seeking to reach European states and, to a certain extent, it is also a country of immigration.

Data	Year	Absolute numbers	% of the Total Population
National Population and Housing Census (RGPH) <sup>1129</sup>	2002	Foreign immigrant stock: 43,651 <sup>1130</sup>	0.5%
		Recent immigration (foreigners) flows (within the five years preceding the census): 19,268 <sup>1131</sup>	
Senegalese Household Survey (ESAM) <sup>1132</sup>	2001	Foreigners: 126,054 <sup>1133</sup> Although the ESAM survey (based on 6,600 households) is less comprehensive than the RGPH, it nevertheless provides an estimate of all foreigners residing in Senegal for more than one year.	1.3%

##### 4.13.1.1.1 Characteristics of immigrants/foreigners

<b>Countries of origin:</b>	West African states, primarily Guinea.
<b>Settlements:</b>	Mostly in the Dakar region.
<b>Socio-demographic profile:</b>	The proportion of female foreigners was estimated at 45.5% in 2001.
<b>Socio-economic profile and sectors of employment:</b>	While foreigners only constitute a small proportion of the Senegalese population, they play an important economic role. For instance, Guineans are active in the fruit and vegetable trade, as well as in the transport sector. Malian women are known to specialise in selling paintings, while Malian men are mainly active in the cola nut business. Migrants from the Gulf of Guinea, primarily Ivorians, Beninese, and Togolese, are generally higher-skilled migrants.
<b>Vulnerable groups:</b>	<ul style="list-style-type: none"> <li>It appears that trafficking is primarily an internal phenomenon that concerns children.</li> <li>Regarding international trafficking, cases of boys from The Gambia, Mali, Guinea and Guinea-Bissau forced into begging, as well as artisanal and agricultural work occur.</li> <li>Exploitation of foreign women and girls is not well-documented.<sup>1134</sup></li> </ul>

<sup>1129</sup> Recensement général de la population et de l'habitat.

<sup>1130</sup> ANSD, *Rapport national de présentation des résultats du troisième Recensement général de la population et de l'habitat en 2002, RGPH III*, 2006, p. 39. According to the RGPH's methodology, immigrants are individuals born abroad, who have resided in Senegal for at least six months and plan to stay in the country for at least another six months. The census distinguishes between immigrants of Senegalese nationality and foreigners.

<sup>1131</sup> Ibid., p. 41.

<sup>1132</sup> *Enquête sénégalaise auprès des ménages*.

<sup>1133</sup> Some, A. N., *Migration au Sénégal. Profil national 2009*, IOM, 2009, p. 44.

<sup>1134</sup> As the U.S. Department of State puts it in its 2013 *Trafficking in Persons Report*: "Women and girls from other West African countries, particularly Liberia, Ghana, Guinea, Guinea-Bissau, Sierra Leone, and Nigeria, **may be subjected** [we underline] to domestic servitude and commercial sexual exploitation in Senegal, including for sex tourism" (p. 320).

### 4.13.1.2 Emigration

Before the independence of the country and throughout the decade following independence, Senegalese emigration was principally directed towards France and West and Central Africa. The 1970s marked a turning point for Senegalese emigration flows. With the country experiencing a progressive economic downturn, push-factors became stronger. Emigration no longer originated from the Senegal River Valley region only. The groundnut basin (in the west-central part of Senegal) and urban areas were now affected, as well as groups traditionally not inclined to migrate, such as the Mouride Brotherhood.<sup>1135</sup> The countries of destination also tended to diversify as traditional countries of destination also faced economic difficulties.

While African states, and primarily West African states, remain the main countries of residence of Senegalese migrants, significant changes in the trends of migration flows can be observed. Traditional countries of destination, such as Côte d'Ivoire and Gabon, have become less attractive. At the same time, migration towards OECD countries, primarily Italy and Spain, has grown significantly since the 1990s.

According to the ESAM, OECD countries have replaced African countries as the main countries of destination for recent migration flows, receiving 53.5% of Senegalese migrants during the period 1997–2002.<sup>1136</sup> In addition, the survey shows that only 13.8% of recent migration was directed towards the West African Economic and Monetary Union (UEMOA) Member States, while 30% concerned other African countries.<sup>1137</sup> Such a change in migration trends is surprising given that EU Member States implement restrictive immigration policies and that the ECOWAS region is characterised by the principle of freedom of circulation and a *laissez faire* approach.

Data	Year	Estimates
ESAM	2001	168,953 nationals emigrated during the five years preceding the survey. <sup>1138</sup> The data gives an overview of recent emigration flows rather than an estimate of the existing migrant stock.
Diplomatic and consular posts data	2004	648,000 nationals residing abroad, which corresponds to 6.8% of the total population of the country.
General estimates from national authorities (data sources unidentified)	2013	3 to 4 million nationals abroad.

<sup>1135</sup> Fall, P. D., *Migration internationale et droits des travailleurs au Sénégal*, UNESCO, 2003, p. 14.

<sup>1136</sup> ANSD, *Rapport de synthèse de la deuxième Enquête sénégalaise auprès des ménages*, 2004, p. 232.

<sup>1137</sup> Ibid.

<sup>1138</sup> ANSD, 2004, op. cit., p. 227.

## 4.13.1.2.1 Characteristics of emigrants/nationals abroad

Countries of destination/ residence:	<ul style="list-style-type: none"> <li>• It is widely recognised that most Senegalese migrants reside within the African continent.</li> <li>• The Gambia may be the main country of residence of Senegalese abroad. P. D. Fall puts it at 300,000.<sup>1139</sup></li> <li>• Côte d'Ivoire remains an important place of residence for Senegalese nationals, with an estimated 97,000 residents.<sup>1140</sup></li> <li>• Mauritania, Guinea, Guinea-Bissau, and Gabon are estimated to host a Senegalese population comprising of between 20,000 and 40,000 each.<sup>1141</sup></li> <li>• Migration towards Libya appears to have been limited: in 2012, IOM reported only 406 Senegalese returnees fleeing from the Libyan civil war.<sup>1142</sup></li> <li>• According to the UN Population Division's latest estimates, Senegalese residing in Morocco and Algeria were estimated at around 3,000 individuals.<sup>1143</sup> Given the recognised importance of irregular migration in these countries, it is highly likely that these figures greatly underestimate the presence of Senegalese in both.</li> <li>• The OECD international migration database identifies Italy (80,989 registered Senegalese nationals in 2010), France (51,510 in 2009), and Spain (63,491 in 2011) as the main countries of destination.<sup>1144</sup> The database does not include statistics regarding the U.S. According to Fall, 60,000 Senegalese were residing in the U.S. in 2010.</li> </ul>
Socio-demographic profile:	<ul style="list-style-type: none"> <li>• Traditionally, Senegalese migration has been a male phenomenon. This largely remains the case, although a rise in female migration has been observed over time.</li> <li>• Between 1997 and 2002, migration of Senegalese women was estimated at 18.2%.<sup>1145</sup></li> </ul>
Education level/ sectors of employment:	<ul style="list-style-type: none"> <li>• Senegalese migrants tend to be low-skilled, although high-skilled individuals are overrepresented in comparison to the general population.</li> <li>• In OECD Member States, an estimated 19.2% of Senegalese migrants have a tertiary education.</li> <li>• Brain drain: with regard to the health sector, the emigration rate of nurses towards OECD Member States was estimated at 8.9% and that of medical doctors at 43%.<sup>1146</sup></li> </ul>
Remittances:	<ul style="list-style-type: none"> <li>• USD 1.6 billion in 2013.<sup>1147</sup></li> <li>• A large portion of transfers are made through informal channels.<sup>1148</sup></li> <li>• It is estimated that 43% of remittances originate from African countries.</li> <li>• Remittances are mainly used to cover food, education, health and celebration expenses. It is also common for migrants to use their savings to build houses in Senegal.</li> <li>• Diaspora associations and their initiatives in the social field are dynamic.</li> </ul>

<sup>1139</sup> Fall, P. D., *Sénégal. Migration, marché du travail et développement*, ILO, 2010, p. 24.

<sup>1140</sup> Ibid.

<sup>1141</sup> Ibid.

<sup>1142</sup> Aghazarm, C., Quesada, P. and Tishler, S., *Migrants Caught in Crisis: the IOM Experience in Libya*, IOM, 2012, p. 14.

<sup>1143</sup> United Nations, Department of Economic and Social Affairs, Population Division, 'Trends in International Migrant Stock: Migrants by Destination and Origin', 2013.

<sup>1144</sup> OECD, 'International Migration Database'. The OECD migration database collects information on stay/resident permits and population registers.

<sup>1145</sup> Sakho, P., Diop, R. A., and Awissi-Sall, M., *Migration et genre au Sénégal*, CARIM AS No. 10, 2011, p. 2.

<sup>1146</sup> OECD, 'Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration' in *International Migration Outlook – SOPEMI 2007*, 2007, p. 216.

<sup>1147</sup> World Bank, 'Remittances Data', 2013.

<sup>1148</sup> Sarr, A, 'Transferts de fonds des migrants et développement en Afrique : une étude de cas sur le Sénégal' in *Techniques Financières et Développement*, 2009, p. 18.

**Vulnerable groups:**

- International trafficking of Senegal nationals mainly concerns women forced into domestic servitude in neighbouring countries, Europe and the Middle East.
- Exploitation in prostitution appears to be mainly an internal phenomenon.<sup>1149</sup>

### 4.13.2 Migration policy

Senegal has yet to adopt a formal migration policy. While immigration management does not constitute a priority for public authorities, a great deal of attention has been given to emigration-related policies. Over the past years, Senegal has developed a large number of initiatives, especially in the areas of protection, migration and development, and initiatives relating to the return and reintegration of Senegalese migrants. In addition, close cooperation has been organised with EU Member States in the field of border management.

The latest national development plan (PSE),<sup>1150</sup> adopted in 2014, makes reference to the relationship between migration and national development and refers more specifically to the contribution of the Senegalese diaspora in this regard.

#### 4.13.2.1 Institutional framework on migration

##### *Governmental stakeholders involved*

Ministry	Agency, Directorate, Unit	Responsibilities
Ministry of Interior <sup>1151</sup>	Directorate of Foreigners Police <sup>1152</sup> Directorate of National Security <sup>1153</sup>	<ul style="list-style-type: none"> <li>• Immigration management</li> </ul>
Ministry of Youth, Employment and Promotion of Civic Values <sup>1154</sup>	National Agency for the Promotion of Youth Employment <sup>1155</sup> (previously known as: Youth Employment Agency or ANEJ) <sup>1156</sup> Directorate of Employment <sup>1157</sup>	<ul style="list-style-type: none"> <li>• Match the labour demand and supply</li> </ul>
Ministry of Public Service, Labour, Social Dialogue and Professional Organisations <sup>1158</sup>	General Direction of Labour and Social Security <sup>1159</sup>	<ul style="list-style-type: none"> <li>• Ensures the respect of labour legislation</li> <li>• Authorises work contracts signed by foreigners</li> </ul>

<sup>1149</sup> U.S. Department of State, *Trafficking in Persons Report 2013*, 2013, p. 321.

<sup>1150</sup> *Plan Sénégal Emergent, 2014*.

<sup>1151</sup> *Ministère l'Intérieur*.

<sup>1152</sup> *Direction de la Police des étrangers*.

<sup>1153</sup> *Direction de la Sûreté nationale*.

<sup>1154</sup> *Ministère de la Jeunesse, de l'Emploi et de la Promotion des Valeurs civiques*.

<sup>1155</sup> *Agence nationale pour la Promotion de l'emploi des jeunes*.

<sup>1156</sup> *Agence de l'Emploi des jeunes*.

<sup>1157</sup> *Direction de l'emploi*.

<sup>1158</sup> *Ministère de la Fonction publique, du Travail, du Dialogue social et des Organisations professionnelles*.

<sup>1159</sup> *Direction générale du Travail et de la Sécurité sociale*.

Ministry of Foreign Affairs and Senegalese Abroad <sup>1160</sup>	Directorate of Senegalese Abroad <sup>1161</sup> Directorate of Consular Affairs <sup>1162</sup> Directorate of Regional integration <sup>1163</sup>	<ul style="list-style-type: none"> <li>• Relations with Senegalese migrants, providing assistance abroad and upon return</li> <li>• Promotion of investments by the diaspora</li> </ul>
Ministry of Women, Family and Childhood <sup>1164</sup>		<ul style="list-style-type: none"> <li>• Measures against trafficking in persons</li> </ul>
Ministry of Economy, Finance and Planning <sup>1165</sup>	Directorate of Population, Planning and Human Development	<ul style="list-style-type: none"> <li>• Development of a national migration policy</li> <li>• Studies on migration and development issues</li> </ul>
	National Statistics and Demography Agency (ANSD) <sup>1166</sup>	<ul style="list-style-type: none"> <li>• Production and analysis of statistical data on migration</li> </ul>

### *Inter-institutional coordination*

Existing institutionalised inter-ministerial institutions are rare and their fields of competences are generally limited to very specific areas. This is the case with the National Commission of Job Offers,<sup>1167</sup> which is in charge of implementation of existing bilateral labour agreements, and the Committee in charge of the Support Fund for Investments of Senegalese Abroad (FAISE).<sup>1168</sup>

### *Main non-governmental institutions involved*

The network of NGOs operating in the field of migration in Senegal is considerable. It includes the *Conseil des organisations non-gouvernementales d'appui au développement* (CONGAD), which coordinates the activities of 178 national and foreign NGOs, *Rencontre africaine pour la défense des droits de l'homme* (RADDHO), *Association pour le Co développement* (ASCODE), *Plateforme d'appui aux petites entreprises du Sénégal* (PAPES), *Développement par l'éducation la formation et l'insertion* (DEFI), *Centre d'orientation et de documentation sur les migrations* (CODM), *ENDA tiers-monde, pôle DIADEM*, *Groupe AGORA de recherche pour l'éducation aux droits de l'enfant et à la paix*, etc.

<sup>1160</sup> *Ministère des Affaires étrangères et des Sénégalais de l'étranger.*

<sup>1161</sup> *Direction des Sénégalais de l'étranger.*

<sup>1162</sup> *Direction des Affaires consulaires.*

<sup>1163</sup> *Direction de l'Intégration régionale.*

<sup>1164</sup> *Ministère de Femme, de la Famille et de l'Enfance.*

<sup>1165</sup> *Ministère de l'Economie, des Finances et de la Planification.*

<sup>1166</sup> *Agence nationale de la Statistique et de la Démographie.*

<sup>1167</sup> *Commission nationale de gestion et de suivi des offres d'emploi dans le cadre de la migration légale.*

<sup>1168</sup> *Fonds d'appui à l'investissement des Sénégalais de l'étranger.*

### 4.13.2.2 Immigration: national policy framework and institutional practices

#### 4.13.2.2.1 General immigration provisions

Legislation/Policy Framework	Description
Law No. 71-10 of 25 January 1971 on the conditions of entry, stay and establishment of foreign nationals <sup>1169</sup>	<i>Entry</i> <b>Decree, Art. 1; Art. 39 to Art. 74:</b> Admission on the national territory is subject to the delivery of a visa, and the production of a guarantee of return, which may take the form of a return ticket to the country of origin, a deposit or a bank guarantee.
Decree No. 71-860 of 28 July 1971 on the conditions of entry, stay and establishment of foreign nationals <sup>1170</sup>	<i>Stay</i> A distinction is made between two legal statuses: non-immigrant and immigrant <b>Law, Art. 3:</b> Non-immigrant status applies notably to foreigners who do not seek to engage in a remunerative activity, as well as those who intend to work temporarily in specific fields, such as journalism, research, and art. <b>Law, Art. 2; Art. 3:</b> Non-immigrants are required to request the delivery of a stay authorisation <sup>1171</sup> before entry on the national territory. This authorisation is valid for a period of four months. <b>Law, Art. 4:</b> Immigrant status applies to foreigners who "have the intention to establish their residence in Senegal, engage in a lucrative activity in a permanent manner, or exercise a profession". <b>Law, Art. 4:</b> Immigrant stay in Senegal is subject to the delivery of a residence authorisation, <sup>1172</sup> which is to be delivered before entry on the national territory. <b>Law, Art. 4:</b> Foreigners holding a stay authorisation who wish to change their legal status can request the delivery of a residence authorisation on the territory. <sup>1173</sup> <b>Decree, Art. 13:</b> Delivery of the residence authorisation leads to the issuance of a foreigner identity card, <sup>1174</sup> which is to be requested within fifteen days of entry.
	<i>Family migration</i> <b>Law, Art. 4:</b> A specific provision regarding family migration that applies to the spouse, ascendants, dependent minor children and adult unmarried children of the migrant. The law does not recognise a right of the individual to be accompanied by his/her family members but simply foresees this possibility.

A number of gaps can be identified in the Senegalese immigration legislation, such as the absence of provisions regarding the duration of validity of the residence authorisation, and the status of long-term residents and that of ECOWAS Member States' nationals.

Senegal has concluded bilateral agreements which include provisions on entry and stay/residence with several countries, among them France, Gabon, Mauritania, Morocco, and Spain. A review of these agreements is presented in sections 4.13.2.3.1. and 4.13.3.

<sup>1169</sup> Loi No. 71-10 du 25 janvier 1971 relative aux conditions d'admission, de séjour et d'établissement des étrangers.

<sup>1170</sup> Décret No. 71-860 du 28 juillet 1971 relatif aux conditions d'admission, de séjour et d'établissement des étrangers.

<sup>1171</sup> Autorisation de séjour.

<sup>1172</sup> Autorisation de résidence.

<sup>1173</sup> Law No. 71-10 of 25 January 1971 on the conditions of entry, stay and establishment of foreign nationals, art. 4.

<sup>1174</sup> Carte d'identité d'étranger.

## 4.13.2.2.2 Labour migration

## Access to the national labour market

Legislation/Policy Framework	Description
Labour Code <sup>1175</sup> , 1997	<p><b>Art. L 33; L 34:</b> Work contracts that include “the establishment of the worker outside of his/her place of habitual residence” are to be approved by the General Direction of Labour and Social Security within the Ministry of Public Service, Labour, Social Dialogue and Professional Organisations.</p> <p><b>Art. L 224</b> foresees the possibility to adopt secondary legislation to “forbid or limit the employment of foreigners for specific occupations or professional qualification levels” in order to ensure full-employment of the national workforce. Such secondary legislation has yet to be adopted.</p>

## Rights within employment

Legislation/Policy Framework	Description
Labour Code, 1997	<p><b>Art. L 1</b> provides for equal treatment between foreigners and nationals. Foreigners, regardless of their legal status, benefit, as a principle, from all obligations and rights from the labour legislation.</p> <p><b>Art. L 9</b> includes an exception to the principle of equal treatment. While all foreigners can join a trade union, only those who have stayed in Senegal for a minimum of five years can fulfil administrative and executive functions, provided that their country of nationality grants similar rights to Senegalese nationals.</p> <p><b>Art. L 156</b> states that the cost of transportation from the country of origin to the place of employment must be undertaken by the employer. This principle does not only apply to the migrant worker but also to the spouse and minor children.</p> <p><b>Art. 106:</b> Housing must be provided by the employer.</p>
N/A	Old age benefits can be received on the national territory as well as in the country of origin of the worker, or in any other place of his/her choice. <sup>1176</sup>

Although the legislation foresees the possibility for a labour market test, regulations in this regard are absent. However, in its report to the UN Migrant Workers Committee, the government of Senegal refers to the existence of a work permit system.<sup>1177</sup> According to Fall, employment of foreigners is subject to a labour market test:

The authority delivering the work permit takes into consideration the situation of the labour market, and in particular, the possibilities of employment for nationals with a professional profile corresponding to the particular job. [Translation by the author]<sup>1178</sup>

Another notable administrative practice is that the end of the work contract does not automatically lead to the removal of the stay permit.<sup>1179</sup>

<sup>1175</sup> *Code du Travail*.

<sup>1176</sup> Senegal, *Initial Report to the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families*, 2009, p. 8.

<sup>1177</sup> *Ibid.*, p. 13.

<sup>1178</sup> Fall, P. D., 2003, *op. cit.*, p. 27.

<sup>1179</sup> *Ibid.*, p. 17.

## 4.13.2.2.3 Irregular migration

Legislation/Policy Framework	Description
Law No. 71-10 of 25 January 1971 on the conditions of entry, stay and establishment of foreign nationals	<b>Decree, Art. 32; Art. 33</b> foresee deportation of foreigners who are not in possession of the documents required to enter the country. <b>Law, Art. 10; Decree, Art. 34 to Art. 38</b> foresee expulsion of those who have committed a criminal offence or pose a threat to public order.
Decree No. 71-860 of 28 July 1971 on the conditions of entry, stay and establishment of foreign nationals	<b>Law, Art. 11; Art. 12:</b> irregular stay and irregular employment constitute a criminal offence, which expose the individual to a fine and imprisonment for one month to two years.
Law No. 2005-06 of 10 May 2005 on Trafficking in Persons and Assimilated Practices and Victims' Protection <sup>1180</sup>	<b>Art. 4; Art. 5:</b> Smugglers, and those who falsify visas, travel documents and stay permits are subject to fines comprised of between 1,000,000 and 5,000,000 CFA francs (USD 1,895 to 9,480), as well as penalties of five to ten years' imprisonment.

In practice, expulsion of foreigners is rare and individuals in an irregular situation have the possibility to regularise their situation. Irregular immigration is not considered a major threat and relevant policies, implemented in cooperation with EU Member States, mainly concern the irregular emigration of Senegalese nationals and foreigners who transit through the country with a view to entering the EU.

## 4.13.2.2.4 Migrants at risk

Legislation/Policy Framework	Description
Law No. 2005-06 on Trafficking in Persons and Assimilated Practices and Victims' Protection	<b>Art. 1:</b> Penalties foreseen range from five to ten years' imprisonment and 5 to 20 million CFA francs (USD 9,480 to 37,920). In case of aggravating circumstances, such as the use of torture or barbaric acts, penalties rise to 10 to 30 years in prison. <b>Art. 15:</b> Foreign victims have a right to stay in the country during penal proceedings. They can also apply for temporary or permanent stay in Senegal.

In addition, Senegal has set up a National Taskforce against Trafficking, especially of Women and Children.<sup>1181</sup> It also signed an agreement with Mali in 2004 (and is currently discussing another one with Guinea-Bissau) to organise and facilitate the return of child victims of trafficking to their country of origin.

Over the past few years, Senegalese authorities have organised a series of training sessions and conferences for public officials, including for law enforcement personnel and the judiciary, as well as representatives from the private sector.<sup>1182</sup> However, no public awareness campaigns have been launched during the past years. With regard to the protection of victims, public authorities run a shelter that provides food, medical, and psychological assistance, family mediation, and education services. Cooperation with NGO-run shelters also exists, despite a lack of standard operating procedures.<sup>1183</sup>

<sup>1180</sup> *Loi No. 2005-06 du 10 mai 2005 relative à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes.*

<sup>1181</sup> *Cellule de lutte contre la traite des personnes en particulier des femmes et des enfants.*

<sup>1182</sup> U.S. Department of State, 2013, op. cit., pp. 321-322.

<sup>1183</sup> *Ibid.*, p. 321.

### 4.13.2.3 Emigration

#### 4.13.2.3.1 Labour migration

Over the years, Senegalese authorities have developed a large number of initiatives and projects related to labour migration. However, the country lacks an articulated labour migration policy.

It is commonly thought that any labour migration policy should include the following components or phases: an identification of the national competencies that can be promoted abroad and those that should not be promoted; an assessment of existing and potential countries of destination; the development of an efficient recruitment system; and the implementation of promotion activities.

##### *Assessment of the national labour market*

Concerning the first component, two main projects can be identified: the establishment of an Operational Register of Occupations (ROME)<sup>1184</sup> in 2011 and the development of the Information System for Efficient Migration Management (SIGEM).<sup>1185</sup> SIGEM is a database set up by the Ministry of Youth, Employment and Promotion of Civic Values that collects relevant information on Senegalese candidates for emigration. Despite both these initiatives, there is a lack of in-depth analysis of the national labour market with a view to providing policy guidance on those occupations that can be promoted abroad and those that should not.

##### *Identification of countries of destination*

In terms of analysis of the labour market, labour legislation, and migration policies of established and potential countries of destination, little has been accomplished. Although the National Commission of Job Offers, which was set up in 2008, is entrusted with the duty to list employment sectors and type of occupations available in “partner countries”,<sup>1186</sup> this task is understood to be limited to countries with which Senegal has concluded bilateral labour agreements, and, primarily, France and Spain.

##### *Recruitment system*

The placement of Senegalese workers is primarily under the responsibility of the National Agency for the Promotion of Youth Employment (previously known as the Youth Employment Agency). Within the framework of bilateral labour agreements, the National Commission of Job Offers is responsible for receiving and circulating job offers, supervising the selection and recruitment of candidates, and ensuring the respect of work contracts.<sup>1187</sup> Except a small number of provisions concerning temporary employment firms, the legislation does not include provisions on private employment agencies.

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<sup>1184</sup> *Répertoire opérationnel des emplois et métiers.*

<sup>1185</sup> *Système d'information pour la gestion efficace des migrations.*

<sup>1186</sup> Arrêté ministériel No. 396 du 11 janvier 2008 portant organisation et fonctionnement de la Commission nationale de gestion et de suivi des offres d'emploi dans le cadre de la migration légale, art. 2.

<sup>1187</sup> Arrêté ministériel No. 396 du 11 janvier 2008 portant organisation et fonctionnement de la Commission nationale de gestion et de suivi des offres d'emploi dans le cadre de la migration légale, art. 2.

*Bilateral labour agreements*

Senegal has signed several bilateral labour agreements over the years, as well as more general migration-related agreements that include provisions on labour migration.<sup>1188</sup>

Convention	Description
Convention of establishment with Morocco, 1964 <sup>1189</sup>	Agrees equal access to the labour market for nationals of the country of residence and nationals of the other state party.
Agreement with Mauritania, 1972 <sup>1190</sup>	Addresses the facilitation of workers' mobility between the two countries.
Agreement with Gabon, 1982	This agreement specifically deals with the placement of Senegalese education workers. Although the agreement was never ratified by Gabon, both governments implemented cooperation mechanisms in this regard.
Agreement with Saudi Arabia, 1988	Both of these agreements seek to organise the employment of Senegalese migrant workers in the construction sector. <sup>1191</sup>
Agreement with Kuwait, 1992	

Several agreements were also concluded with Spain in order to organise seasonal migration. The system set up between the two countries was particularly comprehensive. It included the dissemination of job offers to Senegalese authorities through the Spanish Embassy in Dakar, the pre-selection of candidates by the Youth Employment Agency (ANEJ), and the final selection and recruitment by Spanish employers.<sup>1192</sup> An inter-ministerial institution, the National Commission of Job Offers was created to follow-up on this process. In addition, an agreement between Spanish trade unions and the National Confederation of Workers of Senegal<sup>1193</sup> (CNTS) foresaw vocational training of selected workers in the areas of hospitality and agriculture<sup>1194</sup> and, in cooperation with the ILO, pre-departure courses on living and working conditions in Spain were organised.<sup>1195</sup> In practice, however, the results of this seasonal migration scheme were not fully satisfactory. In 2008, 640 Senegalese women were recruited as seasonal workers, and 70 did not return at the end of their work contract in Spain.<sup>1196</sup> The programme was eventually discontinued.

#### 4.13.2.3.2 Migration and development

##### *Mobilising and channelling remittances for development*

There are a number of initiatives adopted by the Senegalese authorities and private banks to better

<sup>1188</sup> These agreements, mainly concluded with France, will be discussed in section 4.13.2.3.

<sup>1189</sup> Convention d'établissement entre le Maroc et le Sénégal, Dakar, 27 mars 1964.

<sup>1190</sup> Accord entre le Sénégal et la Mauritanie du 8 octobre 1972 relatif à l'emploi et au séjour au Sénégal des travailleurs mauritaniens et des travailleurs sénégalais en Mauritanie.

<sup>1191</sup> Tall, S. M., Tandian, A., *Migration circulaire des Sénégalais: des migrations tacites aux recrutements organisés*, CARIM CARIM AS No. 52, 2011, p. 9.

<sup>1192</sup> Some, A. N., 2009, op. cit., p.86.

<sup>1193</sup> *Confédération nationale des travailleurs du Sénégal*.

<sup>1194</sup> Fall, P. D., 2010, op. cit., p. 41.

<sup>1195</sup> Some, A. N., 2009, op. cit., p. 86.

<sup>1196</sup> Gonin, P., Robin, N., 'Les routes migratoires par le Sénégal' in *Le Maghreb à l'épreuve des migrations subsahariennes*, Karthala, 2009, pp. 112-139.

channel remittances within the national economy. This section will only provide an overview of the major developments in this respect. The Investment Code and the Law No. 2008-47 of 3 September 2008 both include fiscal incentives to attract investments from foreigners and nationals residing abroad, notably with regard to mutual savings and microcredit.<sup>1197</sup> Regarding members of the diaspora, a specific Support Fund for Investments of Senegalese Abroad (FAISE)<sup>1198</sup> was set up by Decree No. 2008-635 of 11 June 2008. A programme called 'Cités de la diaspora' was developed to facilitate access to housing property for migrants organised in associations.<sup>1199</sup> Promotion missions<sup>1200</sup> were also organised in several European countries by the Ministry of Senegalese Abroad to inform migrant communities about existing initiatives regarding investments in Senegal.<sup>1201</sup> The IOM-run programme Migration for Development in Africa (MIDA) co-financed the development of agricultural projects by diaspora associations and migrants in Senegal, as well as business projects developed by Senegalese female migrants.<sup>1202</sup> However, the programme was terminated in 2012.

#### *Diaspora outreach and confidence-building measures*

The Senegalese diaspora is very active. In Paris and its immediate surroundings, some 300 associations have been mapped, which is actually considered to be an underestimation.<sup>1203</sup> In order to take the interests of the diaspora into consideration, Senegalese authorities have undertaken a number of initiatives. Senegalese abroad can vote and be elected in national elections.<sup>1204</sup> Although in principle acquisition of a foreign nationality leads to the loss of Senegalese nationality, in practice, dual/multiple nationality is authorised. In 1995, a Superior Council of Senegalese Abroad<sup>1205</sup> was established which includes delegates elected among members of the diaspora. Its activities have been suspended since 2013.<sup>1206</sup> Cultural activities are also undertaken by Senegalese authorities such as, for example, summer camps in Senegal for children residing abroad.<sup>1207</sup> Although the relationship between Senegalese residing abroad and consular posts may differ from one country to the next, in the case of Italy, close cooperation links have been established over the years with Senegalese diaspora associations.<sup>1208</sup>

The mapping of the Senegalese diaspora is a long-term ongoing project, which was initiated in 2007 by the Ministry of Senegalese Abroad. It makes use of on-line registrations, consular registers and diaspora associations.<sup>1209</sup> The results of this project are yet to be shared.

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<sup>1197</sup> IOM, ICMPD, *MTM: a Dialogue in Action. Linking Emigrant Communities for More Development. Inventory of Institutional Capacities and Practices. The Senegalese Experience*, 2010, p. 10.

<sup>1198</sup> *Fonds d'appui à l'investissement des Sénégalais de l'extérieur*.

<sup>1199</sup> Fall, P. D., 2010, op. cit. pp., 41-42.

<sup>1200</sup> *Caravanes d'information*.

<sup>1201</sup> Sarr, A, 2009, op. cit., 19.

<sup>1202</sup> Maggi, J. et al. *Migrations transnationales sénégalaises, intégration et développement. Le rôle des associations de la diaspora à Milan*, 2013, p. 33.

<sup>1203</sup> *Ibid.*, p. 90.

<sup>1204</sup> Dioh, A., *La migration hautement qualifiée de, à travers et vers le Sénégal*, CARIM AS No. 3, 2010, p.11.

<sup>1205</sup> *Conseil supérieur des Sénégalais de l'extérieur*.

<sup>1206</sup> Fall, P. D., 2003, op. cit., p. 35.

<sup>1207</sup> IOM, ICMPD, 2010, op. cit., p. 14.

<sup>1208</sup> Maggi, J. et al., 2013, op. cit., p. 53.

<sup>1209</sup> Some, A. N., 2009, op. cit., p. 72; IOM, *The MIDA Experience and Beyond*, 2009, p. 155.

*Addressing the challenges of highly-skilled migration and reintegration of returning migrants*

Projects dealing with the involvement of skilled migrants in the development of Senegal include the UNPD-led TOKTEN (Transfer of Knowledge through Expatriate Nationals) programme as well as the PAISD (Programme d'Appui aux Initiatives de Solidarité pour le Développement) project run in cooperation with France. A more permanent reintegration of migrants has been the aim of assistance programmes, notably within the agricultural sector. Examples of this include the REVA plan (now ANIDA)<sup>1210</sup> and the GOANA.<sup>1211</sup>

**4.13.2.3.3 Migrants' protection***Information dissemination*

To date, most information dissemination activities have focused on the risks of irregular migration. A more comprehensive approach to information dissemination is planned by the Ministry of Foreign Affairs and Senegalese Abroad through the institution of Information Centres<sup>1212</sup> across the country. Five Centres are currently in the process of being established. Under the seasonal migration scheme organised between Senegal and Spain, the ILO organised pre-departure courses to inform selected migrant workers on living and working conditions in the country of employment.

*Protection in countries of destination*

In countries of destination, protection activities undertaken by diplomatic and consular posts appear to be limited. Although the Ministry of Foreign Affairs and Senegalese Abroad developed an initiative to set up Assistance Offices for Senegalese Abroad<sup>1213</sup> in selected countries of destination, the project was never implemented. In 2013, the activities of the Superior Council of Senegalese Abroad, which included the protection of nationals abroad, were suspended.

*Social security agreements*

The Senegalese authorities have consistently promoted the conclusion of bilateral social security agreements with its diaspora's main countries of residence. Agreements have been signed with France, Mali, and Mauritania. Senegal also signed the inter-African social security convention<sup>1214</sup> (CIPRES Convention) and ratified it in June 2014. Regarding agreements with Italy and Gabon, negotiations are still ongoing.

*Protection of victims of trafficking*

An overview of Senegal's policy on trafficking in persons has been presented in section 4.13.2.2.4. Mention can be made here of the agreement concluded with Spain in 2006 for the prevention of emigration

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<sup>1210</sup> *Retour volontaire vers l'agriculture. Agence nationale d'insertion et de développement agricole.*

<sup>1211</sup> *Grande offensive agricole pour la nourriture et l'abondance.* Fall, P. D., 2010, op. cit., p. 41.

<sup>1212</sup> *Bureaux d'accueil et de suivi.*

<sup>1213</sup> *Bureaux d'appui aux Sénégalais de l'extérieur.*

<sup>1214</sup> *Convention multilatérale de sécurité sociale de la Conférence interafricaine de la prévoyance sociale.*

of unaccompanied Senegalese minors, their protection, repatriation and reintegration.<sup>1215</sup> Prevention activities detailed by the agreement include information dissemination, control of trafficking networks and assistance to the economic and social development of regions of origin. Protection and repatriation activities through cooperation mechanisms between the Senegalese and Spanish authorities are also included.

### 4.13.3 International, regional, and bilateral cooperation

#### *International conventions*

Among the most relevant international conventions protecting human rights, Senegal has ratified:

- the International Covenant on Civil and Political Rights (1966);
- the International Covenant on Economic, Social and Cultural Rights (1966);
- the Convention on the Elimination of All Forms of Discrimination against Women (1979);
- the Convention on the Rights of the Child (1989);
- 37 ILO Conventions (Senegal has not ratified the two specific ILO conventions on migrant workers: C 97(1949) and C 143 (1975));
- the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); and
- the United Nations Convention against Transnational Organized Crime (2000) and its Protocols on trafficking in persons and smuggling of migrants.

In addition to these global conventions, Senegal is bound by ECOWAS texts, including its Treaty (1975) and its subsequent protocols regarding free movement of persons, residence and establishment.

#### *Cooperation on irregular migration management*

Actions against irregular migration has been the most significant area of international cooperation since the mid-2000s, when sea routes from Senegal towards the Canary Islands became a prominent phenomenon. Policy initiatives have mainly taken the form of FRONTEX operations, a Memorandum of Understanding between Senegal and Spain to organise joint border patrols, the presence in Senegal of Interpol immigration liaison officers from several European countries, and the implementation of the regional SEA HORSE project, which includes Cape Verde, Mauritania, Morocco, Portugal, and Spain, to strengthen border management through operational cooperation, staff training, and the sharing of best practices.

#### *Bilateral agreements*

Bilateral agreements on migration-related issues have been concluded with several countries over the years. Beyond the bilateral labour agreements and social security agreements that have already been

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<sup>1215</sup> *Convention entre le Sénégal et l'Espagne sur la coopération dans le domaine de la prévention de l'émigration des mineurs sénégalais non accompagnés, leur protection, leur rapatriement et réinsertion, 5 décembre 2006.*

mentioned<sup>1216</sup>, mention can be made of the agreements concluded with France, which still constitutes the most comprehensive bilateral regime intended to organise Senegalese migration flows. Three main conventions are applicable:

- The 1995 Convention on Circulation and Stay of Persons<sup>1217</sup> includes some derogations to common French immigration legislation: it lays out the possibility to obtain a 10-year residence permit after three years of stay in the country (instead of five years under French administrative law).
- The 2001 Agreement on Exchange of Young Professionals<sup>1218</sup> provides that young graduates (French or Senegalese), aged 18 to 35, who wish to supplement their professional experience in the other state party are granted a temporary stay authorisation, valid for a maximum period of twelve months (with the possibility of a six-month extension), without application of the labour market test. A quota of 100 admissions per year is set.
- The 2006 Agreement on Concerted Management of Migratory Flows (amended in 2008)<sup>1219</sup> includes:
  - a) a list of 105 occupations for which the delivery of a stay permit is not subject to the application of the labour market test<sup>1220</sup>;
  - b) provisions concerning assistance to the reintegration of Senegalese migrants in their country of origin;
  - c) promotion of the involvement of the diaspora in the development of Senegal;
  - d) cooperation in the area of border management, procedures to facilitate readmission of nationals in an irregular situation; and
  - e) the funding of development projects.

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<sup>1216</sup> See Sections 4.13.2.3.1 and 4.13.2.3.3.

<sup>1217</sup> Convention entre le Sénégal et la France relative à la circulation et au séjour des personnes signée le 1er août 1995.

<sup>1218</sup> Accord entre le Sénégal et la France relatif aux échanges de jeunes professionnels signée le 20 juin 2001.

<sup>1219</sup> Accord entre le Sénégal et la France relatif à la gestion concertée des flux migratoires signé le 23 septembre 2006. Avenant signé le 23 septembre 2008.

<sup>1220</sup> This provision primarily concerns higher-level technical jobs, although some less-skilled occupations are also included.

#### 4.13.4 References

Aghazarm, C., Quesada, P. and Tishler, S., *Migrants Caught in Crisis: the IOM Experience in Libya*, IOM, [http://publications.iom.int/bookstore/index.php?main\\_page=product\\_info&products\\_id=785](http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=785)., 2012, (accessed 21 October 2013).

ANSD, *Rapport de synthèse de la deuxième Enquête sénégalaise auprès des ménages*, [http://www.ansd.sn/publications/rapports\\_enquetes\\_etudes/enquetes/ESAM\\_2.pdf](http://www.ansd.sn/publications/rapports_enquetes_etudes/enquetes/ESAM_2.pdf), 2004, (accessed 21 October 2013).

ANSD, *Rapport national de présentation des résultats du troisième Recensement général de la population et de l'habitat en 2002, RGPH III*, <http://siteresources.worldbank.org/INTSENEGALINFRENCH/Resourc-es/461584-1175072268436/TROISIEMERECENSEMENTPOPULATIONETHABITATSENEGAL.pdf>, 2006, (accessed 21 October 2013).

Di Bartolomeo, A., Fakhoury, T., and Perrin, D., *CARIM Migration Profile Senegal*, [http://www.carim.org/public/migrationprofiles/MP\\_Senegal\\_EN.pdf](http://www.carim.org/public/migrationprofiles/MP_Senegal_EN.pdf), 2010, (accessed 21 October 2013).

Dioh, A., *La migration hautement qualifiée de, à travers et vers le Sénégal*, CARIM AS No. 3 (2010), <http://cadmus.eui.eu/handle/1814/13438>, 2010, (accessed 24 October 2013).

Fall, P. D., *Migration internationale et droits des travailleurs au Sénégal*, UNESCO, <http://unesdoc.unesco.org/images/0013/001395/139532f.pdf>, 2003, (accessed 24 October 2013).

Fall, P. D., *Sénégal. Migration, marché du travail et développement*, ILO, <http://www.ilo.org/public/french/bureau/inst/download/senegal.pdf>, 2010, (accessed 24 October 2013).

Gonin, P., Robin, N., 'Les routes migratoires par le Sénégal', *Le Maghreb à l'épreuve des migrations subsahariennes*, Karthala, pp. 112-139, [http://hal.archives-ouvertes.fr/docs/00/49/93/61/PDF/Iremam\\_Karthala\\_P.Gonin-N.Robin\\_octobre\\_2008\\_1\\_.pdf](http://hal.archives-ouvertes.fr/docs/00/49/93/61/PDF/Iremam_Karthala_P.Gonin-N.Robin_octobre_2008_1_.pdf), 2009, (accessed 24 October 2013).

IOM, *The MIDA Experience and Beyond*, [http://publications.iom.int/bookstore/free/MIDA\\_2009.pdf](http://publications.iom.int/bookstore/free/MIDA_2009.pdf), 2009, (accessed 24 October 2013).

IOM, ICMPD, *MTM: a Dialogue in Action. Linking Emigrant Communities for More Development. Inventory of Institutional Capacities and Practices. The Senegalese Experience*, [http://publications.iom.int/bookstore/free/IOM\\_ICMPD\\_Inventory\\_EN.pdf](http://publications.iom.int/bookstore/free/IOM_ICMPD_Inventory_EN.pdf), 2010, (accessed 24 October 2013).

Maggi, J. et al. *Migrations transnationales sénégalaises, intégration et développement. Le rôle des associations de la diaspora à Milan*, Paris and Geneva, University of Geneva, <http://www.snis.ch/system/files/sociograph15.pdf>, 2013, (accessed 24 October 2013).

Mezger Kveder, C. L., *Essays on Migration between Senegal and Europe: Migration Attempts, Investment at Origin and Returnees' Occupational Status*, University of Sussex, <http://sro.sussex.ac.uk/42573/>, 2012, (accessed 27 October 2013).

OECD, 'International Migration Database', [online data source], <http://stats.oecd.org/Index.aspx?DatasetCode=MIG>, (accessed 27 October 2013).

OECD, 'Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration', *International Migration Outlook – SOPEMI 2007*, pp. 161-228  
<http://www.oecd.org/els/mig/41515701.pdf>, 2007, (accessed 27 October 2013).

Sakho, P., Diop, R. A., and Awissi-Sall, M., *Migration et genre au Sénégal*, CARIM AS No. 10 (2011), <http://cadmus.eui.eu/handle/1814/15595>, 2011, (accessed 27 October 2013).

Sarr, A, 'Transferts de fonds des migrants et développement en Afrique : une étude de cas sur le Sénégal', *Techniques Financières et Développement*, pp. 15-27,  
<http://www.oecd.org/fr/dev/emoa/43912387.pdf>, 2009, (accessed 27 October 2013).

Senegal, *Initial Report to the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families*, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=C MW%2fC%2fSEN%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=C MW%2fC%2fSEN%2f1&Lang=en), 2009, (accessed 27 October 2013).

Some, A. N., *Migration au Sénégal. Profil national 2009*, IOM, [http://publications.iom.int/bookstore/free/Senegal\\_Profile\\_2009.pdf](http://publications.iom.int/bookstore/free/Senegal_Profile_2009.pdf), 2009, (accessed 27 October 2013).

Tall, S. M., Tandian, A., *Migration circulaire des Sénégalais: des migrations tacites aux recrutements organisés*, CARIM CARIM AS No. 52 (2011), <http://cadmus.eui.eu/handle/1814/18478>, 2011, (accessed 27 October 2013).

United Nations, Department of Economic and Social Affairs, Population Division, 'Trends in International Migrant Stock: Migrants by Destination and Origin', [online data source], Available on line at: <http://esa.un.org/MigOrigin/>, 2013, (accessed 2 November 2013).

U.S. Department of State, *Trafficking in Persons Report 2013*, <http://www.state.gov/j/tip/rls/tiprpt/2013/>, 2013, (accessed 2 November 2013).

World Bank, 'Remittances Data', [online data source], <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:22759429~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html#Remittances>, 2013, (accessed 2 November 2013).

### 4.13.5 List of interlocutors

Name of respondent	Position	Institution
Sonko, S.	Programme manager, Directorate of Technical Support	Presidency of the Republic
Diallo, A.	Director of Investment Support Fund and Projects	Ministry of Foreign Affairs and Senegalese Abroad <sup>1221</sup>
Badara Couililaby, A.	Communications Officer, Support Fund investment Senegalese Abroad	
Diane, L.	Head of the Division of Social Planning, Directorate of Population and Development Planning	Ministry of Economy, Finance and Planning <sup>1222</sup>
Ba, H.	Technical Advisor on Population, ANSD	
Sakho, M.	Research Assistant, Centre for Development Studies	
Ba, T.	Acting Head of the Division of Social Security, General Directorate of Labour and Social Security	Ministry of Public Service, Labour, Social Dialogue and Professional Organisations <sup>1223</sup>
Faye, B.	Director, Youth Employment Agency (ANEJ)	Ministry of Youth, Employment and Promotion of Civic Values <sup>1224</sup>
Touré, A.	Coordinator, Information System on the Labour Market	

<sup>1221</sup> *Ministère des Affaires étrangères et des Sénégalais de l'étranger.*

<sup>1222</sup> *Ministère de l'Economie, des Finances, et de la Planification.*

<sup>1223</sup> *Ministère de la Fonction publique, du Travail, du Dialogue social et des Organisations professionnelles.*

<sup>1224</sup> *Ministère de la Jeunesse, de l'Emploi et de la Promotion des Valeurs civiques.*