

SENEGAL

Senegal is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First Optional Protocol. Senegal hosted more than 40,000 refugees and asylum seekers at the end of 2001, according to a recently released report from the U.S. Committee for Refugees, with the vast majority from Mauritania and a minority from other African countries.¹ The most recent statistics from the UNHCR in Senegal indicate that in urban areas, there have been 714 refugees and asylum seekers from Sierra Leone, 436 from Liberia, 346 from Rwanda, and 1,520 from other countries, totaling 3,016. Additionally, the UNCHR reports approximately 20,000 refugees in rural areas, all from Mauritania, and estimates there is a total of approximately 40,000 Mauritanian refugees in Senegal.² The majority of the asylum seekers come from the Great Lakes and Mano River regions of Africa.³

The National Commission for Eligibility (created by law on July 24, 1968, modified in 1975, and completed by decree 89-1582 on December 30, 1989) is in charge of handing down rulings on the asylum claims introduced by asylum seekers. This group is chaired by a magistrate and the following ministries are represented: Ministry of the Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Social Action, and the UNHCR which is admitted as an observer.⁴

Asylum seekers are given a receipt of delivery of their demand when their request for asylum is introduced. An asylum seeker shall not be expelled nor detained while waiting for a decision from the Commission but only within the two months of validity of this document.⁵

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 60, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

² Systeme des Nations Unies au Senegal HRC (Haut-Commissariat des Nations Unies pour les refugies), PROTECTION (SENEGAL), *available at* <http://un.org.sn/html/hcr/sta.htm> (last accessed Sept. 16, 2002) [hereinafter PROTECTION (SENEGAL)].

³ UNHCR, UNCHR MID-YEAR PROGRESS REPORT (2001), *available at* <http://www.unhcr.ch/pubs/fdrs/my2001/my2001toc.htm> (last accessed Sept. 16, 2002).

⁴ E-mail from Sadikh Niass, West African Refugees and Internally Displaced Persons Network (WARIPNET) and RENCONTRE AFRICAINE POUR LA DÉFENSE DES DROITS DE L'HOMME (RADDHO), to Anna Mecagni, Lawyers Committee for Human Rights (Aug. 1, 2002).

⁵ *Id.*

For the first half of 2001, the National Commission for Eligibility registered 537 demands for asylum and 135 were examined by the Commission.⁶ According to UNCHR, 958 people applied for asylum in Senegal since January 1, 2001 and since that time, 18 people who had applied for asylum were recognized as refugees in Senegal.⁷

There are two forms of detention in Senegal:

(a) Detention relating to a judicial procedure, after an infraction, is decided by the Court. In 2000, a dozen refugees and asylum seekers were detained for three months after being charged with law and order unrests, before being expelled to Mali.

(b) Administrative detention prior to an expulsion is ordered by the Court. This detention can continue longer than 3 months (which many times is the case) while the detainee is waiting for the means of the expulsion to be found.

Is there independent review of the detention decision? Yes

The decision regarding detention of asylum seekers is subject to the examination of a superintendent of Border Police under the authority of the Minister of the Interior.⁸ There does not appear to be any additional independent review of detention decision.

Are there limits on the period of detention? No.

There is not a maximum period of detention to speak of. It does happen that asylum seekers are detained for long periods of time, sometimes more than 3 months.⁹

Is there periodic review of detention?

From our research and inquiries, there does not appear to be any periodic review of detention.

Is there government-funded legal aid?

⁶ PROTECTION (SENEGAL), *supra* note 2.

⁷ UNHCR, 2001 UNHCR POPULATION STATISTICS PROVISIONAL, Table 15, *available* at <http://www.unhcr.ch/cgi-bin/texis/vtx/home?page=statistics> (last accessed Sept. 16, 2002).

⁸ E-mail from Sadikh Niass, West African Refugees and Internally Displaced Persons Network (WARIPNET) and RENCONTRE AFRICAINE POUR LA DÉFENSE DES DROITS DE L'HOMME (RADDHO), to Anna Mecagni, Lawyers Committee for Human Rights (Aug. 1, 2002) [hereinafter WARIPNET & RADDHO Correspondence].

⁹ *Id.*

There is no information to determine the existence of government-funded legal aid. The UNHCR indicates that it will, in certain conditions, submit an attestation in support of refugees to protect them against expulsion, *refoulement*, or deportation.¹⁰

Vulnerable groups:

It has been reported that in practice, the authorities take into account the fact that the person is either a woman or disabled.¹¹

¹⁰ PROTECTION (SENEGAL), *supra* note 2.

¹¹ WARIPNET & RADDHO Correspondence, *supra* note 8.