

Capacity assessment of state and non-state
actors on the management of
disembarkation operations in Senegal



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This publication was made possible thanks to the financial support of the IOM Development Fund, within the framework of the project "*Capacity building enabling the Government of Senegal to provide vulnerable migrants with gender-sensitive assistance and protection, based on post-disembarkation duties*". The views expressed here are those of the author and do not necessarily reflect the views of the IOM Development Fund.

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Cover photo: Ziguinchor © IOM 2022 / Cheikh Mbacke SENE

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ACKNOWLEDGEMENT

I warmly thank the IOM Senegal teams, the national authorities, and all the structures listed in the appendix for their support and the exchanges granted, which contributed to the reflection that led to the drafting of this report.

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LIST OF ACRONYMS

CDPE	Departmental Child Protection Committee
ICRC	International Committee of the Red Cross
CILEC	Inter-ministerial Committee for the Fight against Illegal Migration
CNE	National Eligibility Commission
CNRRPD	National Committee for Refugees, Returnees and Displaced Persons
CRS	Senegalese Red Cross
DGASE	Department of Support for Senegalese Abroad
DPAF	Directorate of Air and Border Police
DNLT	National Division for the Fight against Migrant Trafficking
FAO	Food and Agriculture Organization
FRONTEX	European Border and Coast Guard Agency
HASSMAR	High Authority for the Coordination of Maritime Safety, Maritime Security and Protection of the Marine Environment
OCHA	Office for the Coordination of Humanitarian Affairs
IOM	International Organization for Migration
UNODC	United Nations Office on Drugs and Crime
OSC	Civil Society Organization
UNEP	United Nations Environment Program
UNHCR	United Nations High Commissioner for Refugees

METHODOLOGY

The objectives of the assessment of the capacities of state and non-state actors on the management of disembarkation operations are to:

- carry out a mapping of the actors and authorities in connection with the landing activities,
- assess the level of coverage of the Senegalese coast in terms of assistance according to the territories,
- assess the level of capacity of the authorities and key actors in terms of disembarkation with a view to mobilizing for the co-development of Standard Operating Procedures (SOP).

The study was conducted between September 2022 and January 2023, and presented to the steering committee on February 9th, 2023.



Interviews were conducted with state actors and CSOs present along the coast, as well as those in charge of coordination in Dakar.



LEGAL FRAMEWORK

International level

International law requires anyone rescued at sea to be quickly disembarked and brought to a “place of safety”.

The International Maritime Organization defines "safe place" as a place where rescue operations are expected to end; where the safety of survivors' lives is no longer threatened and where their basic human needs (such as food, shelter, and medical needs) can be met, considering the special needs of all passengers.

The Inter-Agency Group for the Protection of Refugees and Migrants Traveling by Sea recalls that the obligation of States to protect people at sea continues after their rescue.

The International Convention on Maritime Search and Rescue (SAR) and the International Convention for the Safety of Life at Sea (SOLAS) should guide strategies at the national level.

The Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Office of the High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Fund for Childhood and the United Nations Special Rapporteur on the Rights of Migrants point out, among other things, that:

- Saving lives and preventing death and injury must remain the collective priority of States. The law of the sea requires that people in distress at sea be rescued and assisted.
- While acknowledging that the State responsible for the search and rescue (SAR) region from which the rescued persons were recovered, is primarily responsible for providing a “place of safety” or ensuring that such a “place of safety” place of safety" is provided, the "place of safety" should be interpreted in the light of international law, so that when migrants and refugees are rescued at sea, international human rights and refugee law and Transnational criminal law standards must be taken into account to identify and decide where they can be landed.
- The proactive engagement of all States is paramount to creating the conditions that can ensure respect for human rights principles, including access to relevant procedures, the prohibition of refoulement and the prevention of serious harm or harm. other risks, in order to ensure that people rescued at sea, including on the high seas, are promptly disembarked in a place of safety and given safe and humane treatment, regardless of their legal status and in accordance with the law of the sea and other obligations under international law.

National level

The legal framework in Senegal is favorable to a fight against human trafficking without criminalizing migrants on the one hand, and favorable to the mobilization of State forces for rescues at sea on the other hand. Law n° 2005-06 of May 10, 2005, relating to the fight against trafficking in persons and similar practices and the protection of victims,

governs the work of the National Division for the Fight against the Trafficking of Migrants of the Ministry of the Interior. A draft revision of the law is in progress but has not been adopted to date.

At the same time, to overcome the long wait for the validation of the National Migration Policy (PNMS) technically approved in 2018, Senegal has adopted a National Strategy for the Fight against Irregular Migration (SNLMI) validated in November 2022.

The Inter-ministerial Committee for the Fight against Illegal Migration (CILEC) is the coordination committee in charge of migration issues, including disembarkation. It was created in 2021 under the leadership of the Ministry of the Interior, and the State Secretariat for Senegalese Abroad.

Its permanent secretary is supported by focal points in the various ministries relating to the various themes concerned. The main coordination instrument is the Inter-ministerial Committee for the Fight against Clandestine Emigration (CILEC), set up and attached to the office of the Minister of the Interior. The National Committee for the Fight against Human Trafficking (CNLTP) created in 2010 is more specialized in the issue of child trafficking, and *talibés*.

The National Committee for Refugees, Returnees and Displaced Persons (CNRRPD) oversees the issue of refugees at the national level.

LAW n° 2005-06 of May 10, 2005, relating to the fight against trafficking in persons and similar practices and the protection of victims.

Migrant Smuggling

Art. 4. - Illegal migration organized by land, sea or air is punishable by 5 to 10 years of imprisonment and a fine of 1,000,000 to 5,000,000; whether the national territory serves as an area of origin, transit, or destination.

Art. 5. - The same penalties provided for in the preceding article shall apply to fraud or falsification, counterfeiting of visas, documents or travel documents or any other documents attesting to the status of resident or national of Senegal or of a country foreigner or granting the benefit of the status of refugee, stateless person, displaced person, or victim of human trafficking.

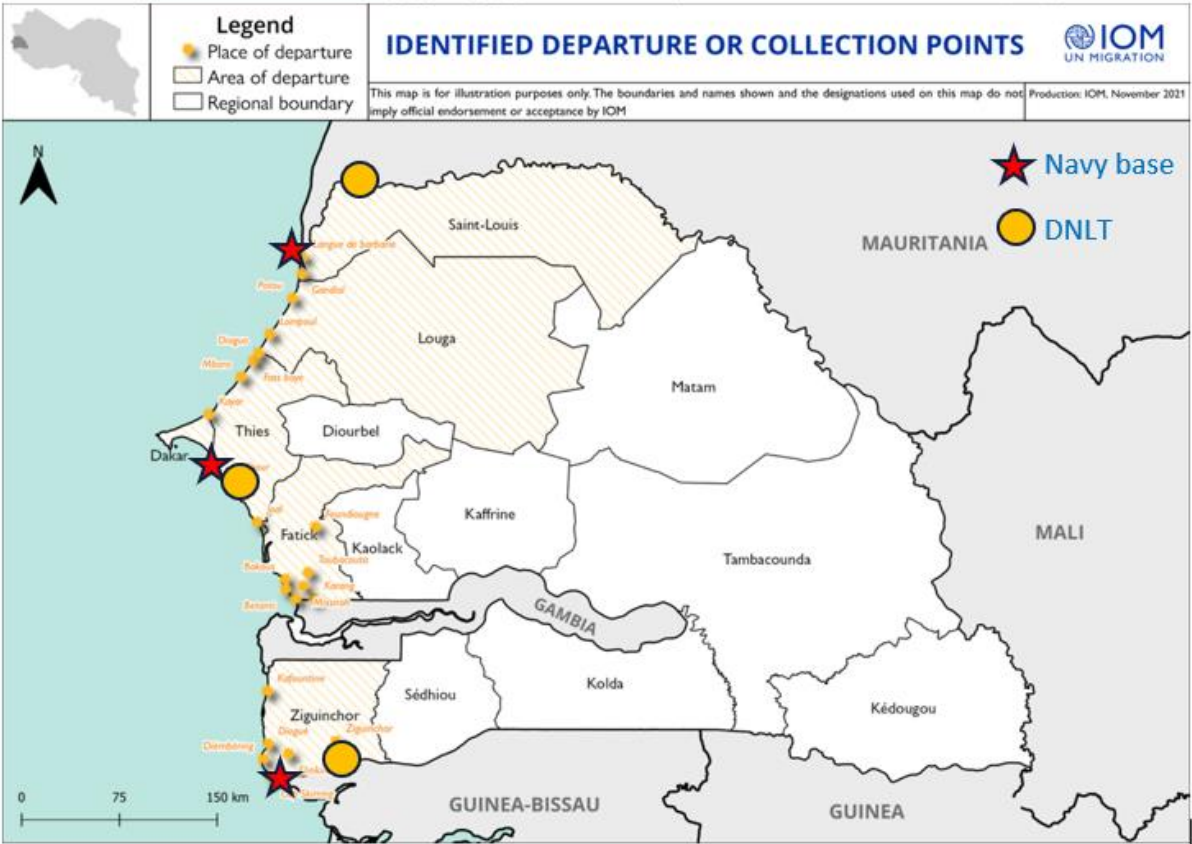
Art. 6. - For the offenses specified in articles 3, paragraph 1, 4, 5 of this law, the suspension of the execution of the penalty cannot be granted when the offense was committed by a person called upon to participate because of his function, the issue of identification travel documents and other attestations of establishment or the maintenance of order or border control.

Art. 7. - The attempt of the offenses specified in this law is punished as an offence. The judgment or the declaration of guilt orders the confiscation: of the means of committing the offence; proceeds of crime; the destruction of titles, travel documents and identification documents that facilitated the commission of the offence; the definitive withdrawal of license, approval or any other administrative authorization from any public entity or person, regardless of its legal form, whose activity has favored the commission of the offence.

STATUS OF INFORMATION ON DISEMBARKATION

Departures are identified by the IOM all along the coast, with a concentration of departures in the areas of Dakar, Saint-Louis, Mbour, Fatick and Casamance. Officially, only three canoes were intercepted in 2021 and none in 2022 in

Senegal. A total of 393 migrants were registered by the DNLT in 2021 and 519 migrants in 2022, according to the information provided. Accompanied by the Mauritanian authorities to the Senegal border post, many of these migrants register at Rosso Senegal. The other interception cities concerned are Dakar, Joal and Mbour.



Contradictory information from the field informs the lack of systematization of data and a lack of coordination between actors. A fishing inspector interviewed in Casamance reports an incident in Kafountine (boats saved in 2022), involving deaths in the Karonne Islands (corroborated by the firefighters interviewed in the region). A gendarme interviewed in Casamance reports two incidents in 2022 with intervention (Diouloulou and Kafountine).

MAPPING OF KEY STAKEHOLDERS AT NATIONAL LEVEL

TYPICAL SITUATIONS

Senegal

Incident: A boat may be in danger, run aground or sink. It can run aground directly on the Senegalese coast or be supported at sea by fishermen, patrols from naval bases (Navy) or fisheries and surveillance services (DPSP) who have spotted the boat in danger. The last intervention by the Senegalese authorities in this matter dates to 2020.

The boat can also run aground without the services at sea, or the police being informed. The migrants then disperse on the territory, hide among the local populations and/or steal the equipment from the canoes. The level of information is very low on this subject.

Interception: A canoe is intercepted because it is suspected of being a boat transporting irregular migrants. The interception, carried out by the patrols of the naval bases of the navy, takes place as a rescue, when the conditions of the boats suggest that the security conditions are not met. For instance, a fishing canoe with too many passengers on board might be intercepted because the passengers may be considered irregular migrants and in danger. Interception can also take place on information from the DNLT, the police or the local gendarmerie following information given by a member of the community and/or family.

Mauritania and Morocco

At present, the bulk of the Senegalese migrants monitored by DNLT are those who disembark in Mauritania. The Mauritanian navy intercepts Senegalese pirogues and diverts them towards the Mauritanian coast, before taking them back to Rosso in Senegal, where the migrants are placed at the disposal of the DNLT for investigation. Alternatively, the Spanish authorities divert pirogues to the Mauritanian coast, where they are placed at the disposal of the Mauritanian maritime authorities, who disembark the migrants and escort them back to Rosso in Senegal.

In Morocco, the escorting of Senegalese survivors depends on the circumstances at the end of the journey and is subject to consular agreements. In Dakhla, in southern Morocco near Mauritania, the Senegalese Consulate has reported welcoming Senegalese escorted back by FRONTEX and offering them a voluntary return to Senegal. Although some prefer to stay irregularly, 1,000 migrants were welcomed by this consulate in 2021 and offered a return. In 2021, a pirogue carrying 150 Senegalese ran aground in Morocco, and the 79 survivors were repatriated by air and received by the DGASE in Senegal. All these examples are not followed up by DNLT a priori.

As far as disembarkation is concerned, the main Ministries and Directorates General involved are:

Step 1

Ministry	General Management / Department	Management	Division or executive body in the field	Main focal point for international organizations
Ministry of Armed Forces	The General Staff of the Armed Forces	National Navy Staff	Management of the Employment channel	Spanish Guardia Civil
			Center, North and South Naval Bases	
	The High Command of the National Gendarmerie	National Gendarmerie (several thematic directions)	120 territorial Gendarmerie brigades	UNODC
Ministry of Fisheries and Maritime Economy	Directorate of Marine Fisheries	Department of Fisheries Protection and Surveillance (DPSP)	Observers from the regional fisheries and surveillance services	FAO but not migrant theme
Presidency of the Republic	High Authority responsible for the coordination of maritime safety, maritime	National Coordination Committee,	Zonal delegation chaired by a delegate in the three naval	UNEP

	security, and the protection of the marine environment (HASSMAR)	bringing together all the administrative structures with competences at sea	zones (Centre, South and North)	
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Intervention at sea depends essentially on the Ministry of the Armed Forces, with the support of the Spanish "Guardia Civil" (gendarmerie). The other types of intervention are contingent and do not have a "migration" mandate. At the time of disembarkation, naval bases and fishing surveillance agents inform the nearest Gendarmeries (Ministry of the Armed Forces) or police stations (Ministry of the Interior) so that they can bring the migrants to their premises. The DNLT is informed by the commissioners.

Step 2

Ministry	General Management / Attached Department /	Management	Division or executive body in the field	Main Focal Point for International Organizations
Ministry of the Interior	Directorate General of the National Police (DGPN)	Directorate of Air and Border Police (DPAF)	National Division for the Fight against Smuggling of Migrants and Similar Practices (DNLT)	IOM
		Public Safety Department (DSP)	Police Station	UNODC
	National Fire Brigade (BNSP)		Fire and Rescue Group	Red Cross
			Grouping of Specialized Units	Red Cross
	Organization of Civil Protection awaiting the review of the legal framework and the institutional mechanism for disaster risk management (DRM)	Directorate of Civil Protection (DPC)	Civil protection reserve personnel provided for by the ORSEC Plan (National Group of Firefighters and Civil Protection Volunteers)	OCHA
	National Committee for Refugees, Returnees and Displaced Persons (CNRRPD)	--	--	UNHCR
	Directorate General of Territorial Administration	The different departments coordinate the	Governor	All for coordination issues
Prefects				

		actions of the territorial services		
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The police stations based in the disembarkation area concerned receive the migrants for the time (maximum 72 hours) of the investigation in the premises of the police station itself, and particularly in the temporary detention cells. DGPN premises in Dakar can also be made available to receive migrants.

The governors and prefects are the first informed. Firefighters are informed only when necessary. The DPC does not intervene.

The Senegalese Red Cross has the capacity to provide primary health care to migrants who land on the coasts, but the territorial coverage is incomplete, and the staff is technically and financially differently endowed. Support is provided through the ICRC, the Spanish Red Cross, and the Italian Red Cross.

Step 3

Ministry	General Management / Department	Management	Division or executive body in the field	Main focal point for international organizations
Ministry of Foreign Affairs	General Directorate of Support for Senegalese Abroad (DGASE)	--	Consulates and BAOS	IOM
Ministry of Justice	General Secretariat	Department of Criminal Affairs and Pardons	Magistrates (prosecutors, judges)	HCDH UNODC
Ministry of Women, Family, Gender, and Child Protection	--	Department of the Family and Protection of Vulnerable Groups	Departmental Committee for the Protection of Children (CDPE).	UN Women UNICEF
Ministry of Economy and Finance	Demographic and Social Statistics Department (DSDS)	ANSD	--	All
Ministry of Local Authorities, Planning and Territorial Development	General Secretariat	The Department of Local Authorities	Mayor	All for Coordination Issues

The prosecutor is the major player in the investigation of the trafficker. The mayor is aware of the actions of civil society in terms of support for migrants after the landing in his locality. The CNRRPD oversees the question of refugees and the DGASE of the link with the Embassies for non-Senegalese.

CHALLENGES

Difficulties at sea:

- ✓ Lack of naval equipment, particularly outside Dakar (life jackets and equipment for rescue at sea, inflatable boats).
- ✓ The proximity to The Gambia makes surveillance and intervention at sea difficult. In the absence of coordination and a common legal framework, traffickers and canoes can quickly cross from one border to another and avoid contact with the authorities including for potential rescue operations.

Difficulties collecting and systematizing information:

- ✓ Absence of comprehensive, up-to-date, sufficient, and systematically collected data at the central level by the DNLT.
- ✓ Difficulty of reporting information when the canoe runs aground or is damaged without State intervention at sea.

Support for migrants upon arrival:

- ✓ The accommodation of migrants during the period of police custody is a major problem which can last up to 72 hours, or even 96 hours. More rarely, migrants are accommodated in classrooms, but in many cases, they remain in cells. There are separate custody cells for men and women, but regarding needs, there is no specific care.
- ✓ Support for food is the second major problem, with law enforcement agencies often being called upon.
- ✓ Medical assistance and psychological assistance for migrants is insufficient. To date, health centers are contacted if necessary, and first aid can be delivered if the Red Cross is sufficiently equipped to do so.

Difficulties of coordination between actors at the time of disembarkation:

- ✓ Communication and coordination between difficult actors.
- ✓ Lack of staff in charge and focal points.
- ✓ Intervention time.

Difficulties of investigation and possibility of support for migrants:

- ✓ Migrants often hide in local populations, which slows down the investigation and does not allow for appropriate support for the victims.

Support for skilled services with humanitarian support to migrants:

- ✓ Little information available on the various actions of the Red Cross on Senegalese territory. However, the Senegalese Red Cross is the key partner of the ICRC, the Spanish Red Cross and the Italian Red Cross who are also working on the ground.
- ✓ Firefighters are responsible for recovering bodies through a specialized unit. In some cases, the Red Cross supports the State for the recovery of bodies and mortuary work in connection with the disembarkation of migrants. Existence of a need to identify actors and assess needs in terms of assistance for migrants after disembarkation, including psychosocial assistance needs of social workers.

Involvement of local communities:

- ✓ No systematic pre-agreement between the gendarmerie or the police and the town hall to accommodate disembarked migrants.

Foreign migrants:

- ✓ Difficulties in contacting the Embassies and their follow-up.

Internal return logistics:

- ✓ Problem of the budget for internal returns to the locality of origin (cost of transport), and weak logistical support from Rosso Senegal.

Overrepresentation of migrant men:

- ✓ Since there are few women, the actors interviewed do not seem to be aware of the consideration of gender in taking care of the needs of disembarked migrants.

Issues specific to gender, minors, and other vulnerable populations:

- ✓ Lack of police training in gender issues for case management (i.e., if cases of gender-based violence have not been reported, it is also possible that questions relating to this subject have not been approached out of ignorance).
- ✓ The need in terms of psychosocial support is mentioned.
- ✓ The care of minors was deemed important.
- ✓ Minors are the most vulnerable and require specialized assistance, especially for psychosocial support.
- ✓ Special attention should be paid to unaccompanied minors, especially girls, as boys receive more attention these days.

CURRENT SITUATION AND INITIAL RECOMMENDATIONS

Support after the disembarkation depends on the communities and authorities who will or will not inform the prefect on the disembarkation.

The immediate assistance available is that of the fire brigade or the Red Cross, if they are present, but this assistance is not sufficient.

The Senegalese Red Cross has a migration contingency plan and relays throughout Senegal, but the localities with relays capable of mobilizing teams are the service points from which the teams are deployed at:

- Southern Senegal (5): Sedhiou, Ziguinchor, Kolda, Medina Yorofula, Bounkiling
- North of Senegal (1): Rosso

Mbour and Fatick areas were identified as lacking coverage.

When disembarkation takes place in Mauritania or Morocco, the conditions of return differ according to the circumstances; the actors involved are not the same, and migrants do not benefit from vulnerability assessments. No systematization of Red Cross support for disembarkation operations, especially if there is no accident: under-support for “interception” landings compared to “accident” landings which are more easily identified as humanitarian disasters.

Lack of resources and contingency plans in communes and departments for alternatives to temporary detention (accommodation).

Lack of subsidy from Red Cross teams throughout the territory to mobilize the teams and the food and hygiene kit.

Lack of resources for fire brigade teams to search for remains, follow-up of Red Cross teams supporting the search.

At the police level, a need has been identified to systematize vulnerability assessments, and to integrate a protection approach in interrogations, and the systematic listing of contacts and profiles for the constitution of databases.

INITIAL RECOMMENDATIONS

Systematizing support after landing

Support after disembarkation is not organised and depends on the communities and authorities who will or will not inform the prefect of the disembarkation, depending on what has been deemed serious or useful. At the State level, the assistance available immediately is that of the fire brigade, if they are present, but this assistance is not sufficient and requires reinforcement. This reinforcement comes particularly from the Senegalese Red Cross, the only one able to effectively manage assistance for a large number of disembarked migrants.

At present, the support of the Senegalese Red Cross depends both on the prefect, who has the discretion whether to call the Red Cross for support, and on the capacity of the teams, who depend on programs financed.

The humanitarian service points are the relays from which the teams are deployed at the level of:

- Southern Senegal (5): Sédhiou, Ziguinchor, Kolda, Medina Yorofula, Bounkiling
- North of Senegal (1): Rosso

The areas of Mbour and Fatick were identified as lacking coverage: despite the prefect's request for assistance, the Senegalese Red Cross found itself without available teams and without a budget to implement their migratory contingency plan.

There are therefore two needs in terms of systematizing support:

- Make this support available throughout the coast by financing Red Cross projects including in Fatick and Mbour, but also Dakar, Louga and Saint-Louis, where the Red Cross has not necessarily been contacted without success by the prefects, but we know that disembarked migrants can be taken directly to police and gendarmerie stations and held in cells, instead of support, without the Red Cross being informed.
- Systematize the procedures by involving the associated actors, the central point being the prefect, and carry out simulations in all the coastal departments.

This financing could be carried out on the model of the IOM and Red Cross project developed in Mauritania. European funds currently finance the Spanish Red Cross and could be extended to this mandate.

Carrying out different procedures depending on the type of disembarkation

The initial mandate of the Red Cross is humanitarian, and assistance after an incident involving people in danger or even people who have died in a boat is natural. However, support can be extended, especially to boats intercepted by the authorities. It happened that the prefect in Rosso appealed to the Red Cross for this type of case, the Red Cross helping the migrants while waiting for the finalization of the interrogations. However, these procedures seem different, it could be important to carry out standard operational procedures which consider the specificity of the two types of action, in particular because the number of people intercepted represents almost all of the cases identified, and that the plan of Red Cross Migration Contingency is initially designed for actions related to humanitarian incidents

rather than interceptions. These procedures must be at the heart of discussions with the Red Cross, the DPAF, and the competent authorities.

Hosting and referencing

In view of the major problem of alternative accommodation to detention, protocols could be signed for each coastal department between the following parties for an emergency accommodation agreement: the Senegalese Red Cross, the town hall, and accommodation providers private if necessary. Food and hygiene resources could be provided by the Red Cross as provided for in their migratory contingency plan. Regarding referrals to health centers and hospitals, the health centers of the coastal departments must also be informed and the stakeholder's signatories to a protocol including them, systematically involving them following information from the prefect.

Strengthening the equipment and technical skills of the government departments concerned

Our assessment of the capacities of the actors showed a strong involvement of firefighters and health centers and in particular morgues in the event of incidents. There is a significant need for body bags and other equipment useful for this type of research, for which consultation with the services concerned could provide details of the needs. Psycho-social support for these State agents, as well as for the services of Red Cross volunteers, is also in question. Capacity building in search and rescue could therefore be considered, combined with funding for the provision of equipment.

At the police level, a need has been identified to systematize the approach to migrants, and to involve them:

- Through capacity building in vulnerability assessments and integrating a protection approach in interrogations.
- In a systematic inventory of contacts and profiles, to feed the data that can be centralized and allow to know the inventory of landings in Senegal.



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