

January 2019

**Anti-Slavery International briefing on Senegal, 5<sup>th</sup> periodic report (List of Issues): Forced child begging**

**125<sup>th</sup> session of the UN Human Rights Committee, 4 to 29 March 2019**

**I. INTRODUCTION**

**Report content**

This submission to the Human Rights Committee (hereafter the Committee) provides information relevant to Article 8 on **forced child begging of *talibés*** in Senegal, a worst form of child labour. We hope it will inform the Committee's review of Senegal (List of Issues) and that the areas of concern highlighted here will be reflected in the list of issues submitted to the Government of Senegal ahead of the review.

**Author of the report**

Anti-Slavery International, established in 1839 and in consultative status with ECOSOC since 1950, is the oldest international human rights organisation in the world. Today, Anti-Slavery International works to eradicate all contemporary forms of slavery, including bonded labour, forced labour, trafficking in human beings, descent based slavery, the worst forms of child labour, and forced marriage.

**Methodology**

The evidence in this submission was gathered through projects delivered in Senegal by the above named organisations, which include a three-pronged approach to tackle child begging through the modernisation of *daaras*, child protection and access to a regular school curriculum.

**II. EXECUTIVE SUMMARY**

Forced child begging of *talibés*, a worst form of child labour, continues to be a widespread problem across Senegal. *Talibés* are children, almost exclusively boys and generally between the ages of five to 15 years, who study in Quranic schools (*daaras*), which are not part of the formal education sector in Senegal.

At least 50,000 *talibés* across Senegal are forced to beg on the streets for an average of five to eight hours per day to meet their daily quota. They are vulnerable to violence both on the streets and by their Quranic masters (*Marabout*) and assistants. They experience physical abuse including beating, whipping, being chained and bound; emotional abuse; and other forms of threats and coercion. Most come from remote rural areas of Senegal or are trafficked from neighbouring countries including Mali and Guinea-Buissau. Separated from their families for long periods, *talibés* live in crowded and

unhygienic conditions, and are vulnerable to disease and malnutrition. Medical conditions and wounds regularly go untreated. Many *talibés* do not receive any formal education beyond memorizing the Quran. The physical abuse and terrible conditions drive hundreds of children to run away from the *daaras* each year

The President has publicly stated his commitment to ending forced child begging of *talibés*, and the Government has undertaken a number of steps including a programme to reform and regulate *daaras*, and the “retrait des enfants de la rue” (“remove children from the streets” programme) intended to crack down on forced child begging.

Despite this, forced child begging of *talibés* continues to be a widespread problem. Laws relating to forced child begging are not being adequately enforced and Quranic teachers who exploit *talibé* enjoy relative impunity. The Government’s plans to reform and regulate the *daaras* remain a long way from implementation. While the draft Daara regulation law was finally adopted by the Council of Ministers after a long delay in 2018, the text was considerably weakened following consultation with religious leaders and does not contain an explicit ban on child begging. The law has yet to be introduced to Parliament. The Daara Inspectorate seems to lack both clear guidance and an adequate plan of action or appropriate means to combat begging and abuse in the *daaras*. The Ministry of Justice has not been sufficiently involved in the *daara* modernisation programme, which limits the potential to close exploitative *daaras* and prosecute abusive masters. The first phase of the *retrait* programme (June 2016- March 2017) saw a large number of children taken off the street in its first month. However, hundreds of children were eventually taken back to their Quranic masters, and the absence of investigation and prosecution of abusive teachers eventually led to a return of the status quo.

The Government is urged to demonstrate increased political will to end child begging of *talibés* and take additional measures to enforce laws, prosecute perpetrators, protect children forced to beg, and accelerate the implementation of the *daara* modernisation programme

### **III. FORCED CHILD BEGGING OF TALIBES IN SENEGAL**

#### **1. Abuse, exploitation, trafficking and forced child labour**

Forced child begging of *talibés*, who are almost exclusively boys, usually five to 15 years of age, studying at religious schools (*daaras*) continues to be a widespread problem across Senegal.

In 2010, Human Rights Watch (HRW) estimated that around 50,000 *talibés* are forced to beg<sup>1</sup> and in a recent report stated that the numbers are likely to be even higher than this estimate.<sup>2</sup> A 2014 mapping of Quranic schools in the Dakar region by the government’s anti-trafficking unit found that over 30,000 boys in the Dakar region alone are forced to beg for hours each day, and a 2016-2017 census documented over 14,000 begging *talibés* in Saint-Louis. Each of Senegal’s 14 regions is home to hundreds if not thousands of Quranic schools, but there is little comprehensive data on the condition and number of schools outside of Dakar.

Most *talibés* come from remote rural areas of Senegal or are trafficked from neighbouring countries, including Mali and Guinea-Bissau. These children are highly vulnerable because they are separated

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<sup>1</sup> Human Rights Watch, “*Off the Backs of the Children*”: Forced begging and other abuses against *Talibés* in Senegal , 15 April 2010

<sup>2</sup> Human Rights Watch, “*I still see the Talibés begging*”: Government Program to Protect *Talibé* Children in Senegal Falls Short, July 2017

from their families for long periods and are entirely dependent on the *daara* and their Quranic teacher (*Marabout*). *Daaras* are not part of the “formal” education sector in Senegal. While a majority do respect the rights of the children in their charge, in many other cases, Quranic ‘education’ is used as a pretext for exploitation. Most *Marabouts* do not charge the students for their studies, food or accommodation. Instead, they force the children to beg on the streets for up to eight hours a day, in addition to memorizing the Quran. Indeed, few *talibés* receive any formal education at these *daaras* beyond memorizing the Quran.

*Talibés* are vulnerable to violence both on the streets and by their *Marabout*. They experience regular physical abuse including beating, whipping, being chained and bound; emotional abuse; sexual abuse; and other forms of threats and coercion in order to meet their financial ‘quota’ from begging. *Talibés* live in crowded and unhygienic conditions and are vulnerable to disease and malnutrition. Some *daaras* are set up in abandoned or unfinished buildings in conditions of extreme squalor. Medical conditions and wounds regularly go untreated; even deaths sometimes go unreported. Children fleeing *daaras* because of corporal punishment, physical abuse and poor conditions often end up living on the streets.

Decisions to send children away to *daaras* are usually influenced by family poverty, barriers to free State education, and parents’ wishes for their children to learn the Quran from *Marabouts*. However, the only option for a ‘free’, full-time Quranic education falls outside the formal and regulated education sector. While religion, culture and tradition are sometimes invoked to justify forced begging, sending *talibés* out to beg is not an inevitable or intrinsic part of Quranic teaching. Evidence also suggests that some Quranic masters gain far in excess of the income needed to maintain their *daaras* and earn a basic living.

In March 2016, the United Nations Committee on the Rights of the Child (the Committee on the Rights of the Child), reiterated its deep concern at:

“... (b) The current practice of Koranic schools run by *marabouts* who often use *talibés* on a large scale for economic gain, sending them to the streets to beg and carry out other illicit work that brings in money, thus preventing them from having access to health care, education, and good living conditions;

(c) The increasing prevalence of forced begging in the large cities of Senegal, which mostly affects *talibés* under 12 years of age who are trafficked from rural areas within the country as well as from neighbouring countries;”<sup>3</sup>

In 2017, the ILO Committee on the Application of Conventions and Recommendations (the ILO Committee of Experts) expressed its “*deep concern* at the persistence of the phenomenon of the economic exploitation of talibe children and the low number of prosecutions under section 3 of Act No. 2005-2006”<sup>4</sup>

## **2. The Government response and obstacles to the eradication of forced child begging**

### **2.1 Limited implementation of the *daara* modernisation programme**

Modernisation and regulation of the *daara* system is crucial to address forced begging of *talibés*. The Government has taken steps in recent years to tackle the issue of child begging through reforming

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<sup>3</sup> Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Senegal*, CRC/C/SEN/CO/3-5, 7 March 2016, paragraph 69

<sup>4</sup> Observation (CEACR) - adopted 2016, published 106th ILC session (2017) [Worst Forms of Child Labour Convention, 1999 \(No. 182\) - Senegal \(Ratification: 2000\)](#)

and regulating the daaras. In November 2013, the PAMOD programme (*Projet d'Appui à la Modernisation des Daara*) was officially launched to set norms for *daaras*, including the eradication of begging, a more diverse academic curriculum, and decent standards of hygiene, health, child protection and child rights. The Government has also begun to set up 'modern' *daaras*, with funding from the World Bank and the Islamic Development Bank. The aim is that these *daaras* will have high standards, with school canteens and highly qualified Quranic teachers, capable of teaching other subjects, and that parents will be encouraged to send their children to these *daaras* rather than *daaras* that force children to beg. The Government states it will also give financial subsidies to existing *daaras* with good practices to help them fully eradicate any reliance on begging, and offer grants to the families of *talibés* who agree to return to or stay in their place of origin to study. According to the US Department of State Trafficking in Persons report, participation in the program to become a "modern *daara*" and receive subsidies will be voluntary.<sup>5</sup>

However, the implementation of the PAMOD programme to modernise the daaras is proving to be an extremely slow process. While the draft Daara regulation law, which establishes the criteria that *daaras* will have to conform to and against which they will be inspected, was finally adopted by the Council of Ministers after a long delay in 2018, the text was considerably weakened following consultation with religious leaders and does not contain an explicit ban on child begging. The law has yet to be introduced to Parliament.

Until the *daara* regulation law is passed, the nationwide regulation system of the *daaras* cannot be rolled out. In the meantime, there are significant gaps in the performance of the Daara Inspectorate, who appear to lack clear central guidance and instructions about their role, and do not appear to be developing plans to address child begging and abuse in *daaras*. It also is unclear whether the Inspectorate intends to inspect all *daaras*, or just those registered as modern, creating a risk that unregistered daaras would continue to operate unchecked.

Supportive Quranic masters who have submitted applications for their *daara* to obtain the status of a modern *daara*, are experiencing long delays and are becoming frustrated with the process. The *daara* modernisation programme seems to be focusing on the new 'modern *daaras*' that are currently being built rather than also supporting existing *daaras* to improve their practices and facilities.

In March 2016, the Committee on the Rights of the Child, expressed its concerns about the "Slow progress in adopting the law on modernizing Koranic schools..."<sup>6</sup> and recommended that the State party "(b) **Accelerate the adoption of the law on modernizing the *daaras* and provide adequate technical and financial resources for the effective functioning of the inspectorate of the *daaras*,**"<sup>7</sup>

In 2017, the ILO Committee of Experts took "...due note of the draft legislation to eliminate begging by talibe children, but observes that it has been under preparation and consultation for several years" and urged the Government "***to intensify its efforts to ensure the adoption of the various draft legal texts with a view to prohibiting and eliminating begging by talibe children and to protect them against sale, trafficking and forced or compulsory labour and to ensure their rehabilitation and social integration.***"

## **2.2 The retrain initiative and its failings**

<sup>5</sup> US Department of State, *2017 Trafficking in Persons Report*, June 2017

<sup>6</sup> Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Senegal*, CRC/C/SEN/CO/3-5, 7 March 2016, paragraph 37 (b)

<sup>7</sup> *Ibid*, paragraph 38 (b)

In June 2016, President Macky Sall announced to the Council of Ministers his intention to end the phenomenon of child begging. On 1 July 2016 he posted on twitter, “To protect the rights of vulnerable children and groups, I ordered the urgent withdrawal of street children,” and “To save the *talibés*, the State imposes fines and jail sentences for those putting their children in the street.” The “retrait des enfants de la rue” (withdrawal of street children) programme (retrait programme) was rolled out in Dakar during the first year, with the other regions to follow, but was then suspended. The first phase of the programme involved removing the children physically from the streets, placing them in shelters, reuniting them with their families, educating parents or guardians on the laws banning child begging, and providing social support to families and guardians to ensure the children would not be returned to the streets. It did not incorporate measures to address the many other serious abuses perpetrated inside certain *daaras*, nor did it ensure information collected during the programme was used to support investigations or prosecutions.<sup>8</sup>

According to the Ministry of Family, in the first year of the retrait programme, 1547 children were withdrawn from the streets of Dakar between June 2016 and March 2017, including 1089 identified as *talibés*. However, the most serious problem with the retrait programme was the sheer number of children returned to the care of the Quranic teachers who had subjected them to forced begging in the first place. Of the 1,456 children reported as ‘returned’, 1,006 children were returned to their Quranic teachers, who then took them back to the *daaras*.<sup>9</sup> The vast majority of these *daaras* were never inspected, either before or after the return of the child, and none were formally investigated for forced begging. Not only were the *talibés* returned to their Quranic teachers, but up to 85 of these *daaras* also received money or supplies from the Ministry of Family when they came to recover the child. Sixteen *daaras* whose *talibés* were picked up from the streets received grants totalling around 950,000 CFA each (US\$1,600).<sup>10</sup>

Despite the promises of sanctions by the President when announcing the initiative, not a single Quranic teacher was arrested or prosecuted for forcing *talibé* children to beg during the first years of the programme, which was carried out exclusively in Dakar. The number of children seen begging in Dakar diminished only during the first month of the programme, when many Quranic teachers still feared sanctions. After a few months, and in the face of the failure to investigate and prosecute offending teachers, the situation returned to the status quo.<sup>11</sup>

In April 2018, the government resumed its withdrawal operations. We hope that lessons have been drawn from the shortcomings of the first phase.

### **2.3 A failure to adequately enforce the law and prosecute perpetrators**

Law No. 2005-6 to Combat Trafficking in Persons and Related Practices explicitly criminalises forced child begging, and the Penal Code also criminalises begging. However, the Government has largely failed to enforce these laws and investigate, prosecute and convict those forcing *talibés* to beg. Despite the widespread and visible nature of the abuse, investigations and prosecutions are extremely rare. In the few cases where *marabouts* have been prosecuted for abuses against *talibés* it has almost wholly been for other offences and using other laws than for the express offence of forcing *talibés* to beg under the provisions of Law No. 2005-6 or the Penal Code.

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<sup>8</sup> Human Rights Watch, “*I still see the Talibés begging*”: Government Program to Protect Talibé Children in Senegal Falls Short, July 2017

<sup>9</sup> *Ibid*

<sup>10</sup> Information provided by the Ministry of the Family to Human Rights Watch, *Ibid*

<sup>11</sup> *Ibid*

According to the HRW report, *Senegal: Decade of Abuse in Quranic Schools*, just one abusive Quranic teacher was convicted under the anti-trafficking law (Law No. 2005-06) between 2010 and April 2015. This conviction was in January 2014, and the convicted *Marabout* was sentenced to just one month in prison. Similarly, Human Rights Watch found that prosecutions of abusive Quranic teachers under article 298 of the Penal Code were extremely uncommon. In March 2015, a Quranic teacher in Saint-Louis was convicted under this law for shackling his student by the ankles and sentenced to six months in prison. Officials at the Justice Ministry's anti-trafficking unit said there is no centralized system to record official statistics on cases brought under either law.<sup>12</sup>

As noted previously, during the first year of the 'retrait' programme, despite President Sall's promise to "impose fines and jail sentences" for those sending children to beg, and despite scores of interactions between the police and Quranic teachers, not one single case of a *marabout* forcing the children under his care to beg was either investigated at the *daaras* by the police or transmitted to the judiciary, who themselves could launch an investigation. Police and justice officials interviewed by Human Rights Watch justified their failure to investigate and prosecute forced begging in several ways. Some said they had received no specific instructions from higher authorities to do so; all said they had insufficient time, funding or personnel. Some also cited the daunting pervasiveness of forced begging and the lack of facilities to handle all the *talibés* if they were removed from such *daaras*.<sup>13</sup>

In 2016, the Committee on the Rights of the Child in 2016 stated that it "...is deeply concerned about the very low rate of investigations, prosecutions and convictions of those responsible for trafficking, forced begging, child prostitution or forced child labour."<sup>14</sup> The Committee urged the State party to "Strengthen measures to remove *talibé* children from the control of Koranic teachers who exploit and mistreat them, and fully implement legislation prohibiting the exploitation of begging by others, including by promptly investigating and prosecuting perpetrators of such acts and punishing them accordingly;"<sup>15</sup>

The ILO Committee of Experts also expressed its "***deep concern*** at the persistence of the phenomenon of the economic exploitation of talibe children and the low number of prosecutions under section 3 of Act No. 2005-2006." The Committee urged the Government "...***to take the necessary measures to ensure the enforcement in practice of section 3 of Act No. 2005-06 to persons who make use of begging by talibe children under 18 years of age for the purposes of economic exploitation. Noting the weak impact of the measures taken, the Committee requests the Government to intensify its efforts for the effective reinforcement of the capacities of officials responsible for the enforcement of the legislation and to ensure that those responsible for these acts are prosecuted and that sufficiently dissuasive penalties are imposed in practice. Noting with regret the absence of data on this subject, the Committee once again requests the Government to provide statistics on the number of prosecutions initiated, convictions handed down and penalties imposed under Act No. 2005-06.***"<sup>16</sup>

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<sup>12</sup> Human Rights Watch, *Senegal: Decade of Abuse in Quranic Schools*, op.cit

<sup>13</sup> Human Rights Watch, "I still see the Talibés begging, op.cit

<sup>14</sup> Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Senegal*, CRC/C/SEN/CO/3-5, 7 March 2016, para 71

<sup>15</sup> *Ibid.*, Para 70a

<sup>16</sup> Observation (CEACR) - adopted 2016, published 106th ILC session (2017) [Worst Forms of Child Labour Convention, 1999 \(No. 182\) - Senegal \(Ratification: 2000\)](#)

## **2.4 A need to amend Article 245 of the Penal Code**

There has been long-standing confusion as to whether or not Article 245 of the Penal Code, which lists circumstances in which begging is tolerable including seeking alms as part of religious traditions, provides an exemption allowing children to be forced to beg. The Government has stated during the 2013 International Labour Conference Committee on the Application of Standards that the provision for tolerated begging only applies to adults.<sup>17</sup> However, given the continued uncertainty and ambiguity, the Government should amend the Penal Code in order to explicitly guarantee that there are no circumstances in which it is permissible to force a child to beg. This is in line with the recommendation of Committee on the Rights of the Child to “Amend relevant laws to ensure that all forms of begging are explicitly prohibited in all settings, including revising and amending article 245 of the Penal Code which authorises some form of begging if “in places and conditions established by religious traditions.”<sup>18</sup>

### **3. RECOMMENDATIONS**

- Enforce existing laws on forced child begging, including the Anti-Trafficking Act and the Penal Code, without exception, applying strict penalties that act as a deterrent, and are applied in practice;
- Introduce the draft Daara regulation law to Parliament for review, discussion and adoption without further delay.
- Fully implement the recommendations of the Committee on the Rights of the Child (2016) and the ILO Committee of Experts (2017) on forced child begging of *talibés*.
- Ensure meaningful inspections of daaras that should focus not only on the quality of Quranic education but also the level of protection and rights of *talibé* children. A sufficient number of inspectors should be recruited, trained in child protection and relevant laws, and receive clear central instructions about their role and responsibilities.
- Ensure all law enforcement officials receive training on the Anti-Trafficking Law and other laws relevant to forced child begging, and have adequate resources to investigate, arrest and prosecute.
- Ensure that *talibés* who are forced to beg are removed from harmful situations by processes that promote the best interests of the child, and include rehabilitative care and family identification, reunification, and reintegration.

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<sup>17</sup> Individual case (CAS) – Discussion: 2013, Publication: 102<sup>nd</sup> ILC session (2013), Worst Forms of Child Labour Convention, 1999 (No. 182) – Senegal (ratified 2000)

<sup>18</sup>Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Senegal*, CRC/C/SEN/CO/3-5, 7 March 2016, para 70