

**August 2019**

### Information on Senegal

**Compliance with ILO Convention No. 182 on on the Worst Forms of Child Labour (ratified in 2000)**

**Forced child begging of *talibés* in Senegal**

**SUMMARY**

Forced begging of *talibé* children remains widespread and persistent in Senegal. In 2019, Human Rights Watch estimated that more than 100,000 *talibé* children living in residential *daaras* are forced to beg by their Quranic teachers. *Talibés* beg on the streets for money and food for an average of five to eight hours a day to meet their daily payment quota. They are victims of violence, both on the streets and by their Quranic teachers, and are subjected to psychological abuse, sexual abuse and other forms of threats and coercion. Separated from their families for long periods, they live in squalid and overcrowded conditions, and are vulnerable to disease and poor nutrition. The Government has taken a number of steps to address forced child begging of *talibés*, including the *daara* modernisation programme (PAMOD), and the *‘retrait’* programme to remove children from the streets. President Sall, elected for a second term of office earlier this year, has publicly committed to ending forced begging of *talibés*. However, action by the Government to address forced child begging has been periodic and inconsistent over the years. Laws relating to forced child begging are not adequately enforced, the police still often fail to investigate cases of forced begging, and Quranic teachers who exploit *talibés* enjoy relative impunity. Government plans to reform and regulate daaras are still far from being adequately implemented. The draft Daara regulation law introduced in 2013 has not yet been passed, was considerably weakened after consultation with religious leaders, and contains no explicit prohibition of child begging.

**FORCED CHILD BEGGING**

Most *talibés* come from remote rural areas of Senegal or from neighbouring countries. While there are *daaras* which do respect the rights of their children in others, a Quranic education is used as a pretext for exploitation. *Talibés* are not charged for their studies, food and education and are instead forced to beg on the streets for food and money for up to eight hours a day. Few *talibés* receive any formal education at these *daaras* beyond memorising the Quran. Thousands of these children live in conditions of extreme squalor, with some *daaras* set up in abandoned and unfinished buildings without water, sanitation, electricity or security, exposing the children to health and safety risks. Physical abuse is widespread, including beating, whipping, being chained and bound, along with sexual abuse and emotional abuse. Children are denied access to medical care and sufficient food.

A June 2019 report by Human Rights Watch and a Senegalese coalition of human rights groups, the Platform for the Promotion and Protection of Human Rights (*la Plateforme pour la Promotion et la Protection des Droits Humains*, PPDH)[[1]](#footnote-1) concluded that the number of *talibé* children subjected to forced begging and other serious abuses by their Quranic teachers remained staggering in 2017 and 2018. The abuses committed included deaths, beatings, sexual abuse, chaining and imprisonment, and numerous forms of neglect and endangerment, and took place in at least eight of Senegal’s 14 administrative regions.[[2]](#footnote-2) The report also documents forced begging, trafficking, and problems related to *talibé* migration, including illicit transport of groups of *talibés* across regions or country borders; cases of *talibés* abandoned by their *marabouts* or parents; and the hundreds of *talibés* who end up in the streets or in children’s shelters each year after fleeing abusive *daaras.[[3]](#footnote-3)*

Human Rights Watch and PPDH observed hundreds of *talibé*children begging in numerous locations across the country, including the cities of Dakar, Diourbel, Louga, Touba and Saint-Louis. The children often begged in front of police and gendarmes, near government buildings, between moving cars and along busy highways. Some were as young as five years old, and many suffered from skin infections or malnutrition. Sixty-three of the 88 *talibés* interviewed said that their Quranic teacher required them to return with a quota of money each day, ranging from 100 to 1,250 francs CFA ($0.20-$2.20).[[4]](#footnote-4)

Their report documented the deaths of 16 *talibé* children in 2017 and 2018 due to abuse, neglect or endangerment by Quranic teachers or their assistants, occurring in the regions of Saint-Louis, Diourbel and Thiès. The children, who were between the ages of 5 and 15, include three who died following severe beatings, four who died in two *daara*fires*,* five killed in traffic accidents while begging or avoiding return to the *daara*, and four who died from untreated illnesses. Nine of these deaths took place in 2018, including two as a result of beatings: one in the city of Touba (Diourbel region) in April 2018, and one in the town of Mpal (Saint-Louis region) in May 2018. In addition, 61 cases were documented of beatings or physical abuse against *talibés* by Quranic teachers or their assistants in 2017 and 2018, 15 cases of actual or attempted rape or sexual abuse, and 14 cases of children imprisoned, tied or chained in *daaras.* In 43 of the documented abuse cases, children were beaten by *marabouts* or their assistants for failing to bring the requested sum of money after begging. Among the 14 cases of *talibés* restrained or imprisoned, many in cell-like rooms with bars or grating on the windows, some of the children were locked up for weeks or even months. “If we tried to run away, the *marabout* would chain us by both legs so we couldn’t move,” said a 13-year-old *talibé* who escaped after being chained for three weeks in a *daara*in Touba[[5]](#footnote-5).

Human Rights Watch also documented numerous cases of child neglect by Quranic teachers during field visits to 22 Quranic schools in Dakar, Diourbel, Louga and Saint-Louis regions. Multiple *daaras* housed from dozens to hundreds of *talibés* in conditions of extreme filth and squalor, often in unfinished buildings missing walls, floors or windows. Trash, sewage and flies clogged the ground and air, and children slept crammed dozens to a room or outside, often without mosquito nets. Dozens of *talibés* with visible infections or illnesses had not received medical treatment, and 13 *daaras* visited provided little to no food to the children, according to *talibé* children and Quranic teachers interviewed.[[6]](#footnote-6)

**OBSTACLES TO THE ERADICATION OF FORCED CHILD BEGGING**

Government officials have repeatedly pledged over the years to address forced child begging of *talibés* and have undertaken efforts such as the PAMOD daara modernization programme, and the Dakar-focused *‘retrait’* programme. However, these efforts have had limited impact on the prevalence of forced child begging across the country. Moreover, the Government response has been inconsistent, with periods of momentum that are not sustained. Laws relating to forced child begging remain inadequately enforced, the PAMOD programme is not being properly implemented, and the draft Daara regulation law has not yet been passed and does not explicitly prohibit child begging.

1. **Limited implementation of the *daara* modernisation programme**

Modernisation and regulation of the *daara* system is crucial to address forced begging of *talibés*.However, implementation of the PAMOD programme (Projet d'Appui à la Modernisation des Daara) to modernise the *daaras* is proving to be an extremely slow process.

In 2017 the Committee of Experts, noting that the draft daara regulation law had been under preparation and consultation for several years, 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...”[[7]](#footnote-7)*** Regrettably, the draft *daara* regulation law, introduced in 2013, has still not been adopted as of July 2019. While it was approved by the Council of Ministers in 2018 after a long delay, it has not yet been introduced to the National Assembly. The text was also considerably weakened following consultation with religious leaders and does not contain an explicit ban on child begging.

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. 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 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.[[8]](#footnote-8) 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.

Currently, the *daara* modernisation programme seems to be focusing on the new *‘*modern *daaras’* that are being built rather than also supporting existing *daaras* to improve their practices and facilities.

1. **The *retrait* programme and its failings**

The Dakar-focused “*retrait*” (withdrawal of street children) programme was launched in June 2016. The first phase of the programme ran from June 2016 until March 2017. 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 first phase of the 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*.[[9]](#footnote-9) 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).[[10]](#footnote-10) Despite the promises of sanctions by the President, not a single Quranic teacher was arrested or prosecuted for forcing *talibé* children to beg during the first year 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.[[11]](#footnote-11)

In April 2018, phase two of the withdrawal programme began. The US Department of State 2019 Trafficking in Persons report (the TIP report) states that “the Ginddi Center cared for at least 541 child trafficking victims identified during the second phase of the campaign to remove vulnerable children from the streets of Dakar during the reporting period. Nearly all victims identified were child forced begging victims from Senegal, Guinea, Guinea-Bissau, The Gambia, Liberia, and Burkina Faso.”[[12]](#footnote-12) The report states that the second phase saw improved coordination between government agencies compared to the first phase, led by the Ministry of Good Governance and Child Protection (MGGCP). Human Rights Watch notes that while the second phase of the programme did not repeat some of the mistakes of the first phase, and ensured that children were returned to their parents, it once again failed to ensure justice against the Quranic teachers forcing children to beg.[[13]](#footnote-13) The TiP report also concludes that “However, most implicated individuals, including men posing as Quranic teacher, received administrative penalties rather than being criminally investigated or prosecuted.”[[14]](#footnote-14)

Since the Committee of Experts’ Observation in 2017, there has been little change in the scale of forced child begging across Senegal. According to local child protection experts, only a few communities managed to reduce the number of talibés begging in the streets since 2016, primarily due to efforts by civil society and local government. Despite the government’s program to remove the children from the streets, there was no noticeable reduction in the number of talibés begging in the streets of Senegal’s major cities during 2018, with the exception of two Dakar municipalities of Médina and Gueule Tapée-Fass-Colobane where mayors issued decrees banning begging and requiring that *daaras*meet health and safety standards and took steps to close several daaras that did not comply.[[15]](#footnote-15) According to the 2019 TiP report, in the reporting year (1 April 2018 to 31 March 2019), the *daara* mapping project being conducted by the Ministry of Good Governance and Child Protection (MGGCP), with support from civil society, mapped all daaras in Dakar which reportedly indicated that nearly 30,000 children are forced to beg in Dakar alone. In addition, a 2017 NGO-led study identified more than 14,800 child forced begging victims in Saint-Louis and reported that 187 of the city’s 197 daaras send children to beg for at least part of the day[[16]](#footnote-16). As previously stated, in 2019 Human Rights Watch estimated that over 100,000 *talibe* children are forced to beg across Senegal. Government initiatives including social assistance projects and the retrait programme have been limited in scale and inconsistent. State child protection services across all regions are few and under-resourced.

1. **A failure to adequately enforce the law and prosecute perpetrators**

Once again in the reporting period, the Government has largely failed to enforce relevant laws including Law No. 2005-6 to Combat Trafficking in Persons and Related Practices (which explicitly criminalises forced child begging) and the Penal Code (which criminalises begging). Despite the widespread and visible nature of the abuse, investigations and prosecutions are extremely rare. The police still often fail to investigate cases of forced begging, social workers still fail to report many such cases, and charges against Quranic masters continued to be dropped. There has also been a longstanding practice to prosecute Quranic masters for lesser offences under other laws rather than for the express offence of forcing *talibés* to beg under the provisions of Law No. 2005-6 or the Penal Code.

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 Quranic teacher 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.[[17]](#footnote-17) Human Rights Watch concluded that the second phase of the programme in 2018 again failed to ensure justice against the Quranic teachers responsible for forcing the children to beg.[[18]](#footnote-18)

The 2019 TIP report states that in the reporting year (1 April 2018 to 31 March 2019) there were three convictions of Quranic teachers for forcing children to beg under Law No. 2005-6 to Combat Trafficking, in addition to abuse and child endangerment charges. It notes that prior to these three convictions, only three individuals had been convicted for forced begging since 2005.[[19]](#footnote-19) The three convicted individuals reportedly received sentences of two years’ suspended sentence, two years’ imprisonment, and three years’ imprisonment, respectively; two of these sentences are in compliance with the penalties prescribed in Law No. 2005-6. The report states that “Officials did not consistently use the 2005 anti-trafficking law to prosecute alleged traffickers. When officials identified a potential forced begging case, they often issued administrative penalties to the alleged perpetrators instead of criminally investigating and prosecuting the case; during the reporting period, 136 alleged child forced begging cases were handled administratively. By not criminally investigating or prosecuting these forced begging cases, the government did not adequately hold traffickers accountable.”[[20]](#footnote-20) This conclusion is in line with the findings by Human Rights Watch and PPDH that in 2017 and 2018 investigations and convictions for abuses remained limited, and charges against Quranic teachers continued to be dropped or sentences reduced by the judiciary in a number of cases.”[[21]](#footnote-21)

1. **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 stated during the 2013 International Labour Conference that the provision for tolerated begging only applies to adults.[[22]](#footnote-22) However, in 2017 the Committee observed that, from a joint reading of these two provisions, it would appear that the act of organizing begging by *talibé* children cannot be criminalized, as it does not constitute an act of begging under section 245 of the Penal Code.

Given the continued uncertainty and ambiguity, and its potential impact on the propensity of law enforcement officials to undertake investigations, arrests and prosecutions, the Penal Code should be amended in order to explicitly guarantee that there are no circumstances in which it is permissible to force a child to beg. In addition, to improve the rate of prosecutions and convictions, the Government should revise Law No. 2005-6 to combat trafficking to allow civil society organization to act as a civil party and lodge complaints.

**CONCLUSIONS AND RECOMMENDATIONS**

The Government is urged to demonstrate sustained and consistent 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 *daara* modernisation. Including to:

* Introduce the draft Daara regulation law to the National Assembly for review, discussion and adoption without further delay.
* 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;
* Amend the 2005 Anti-Trafficking Act to enable civil society organisations to act as a civil party and lodge complaints; and 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.
* Ensure meaningful inspections of daaras that 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.

1. Human Rights Watch and PPDH, ‘*There is Enormous Suffering’: Serious Abuses Against Talibe Children in Senegal 2017-2018*, 11 June 2019

   https://www.hrw.org/report/2019/06/11/there-enormous-suffering/serious-abuses-against-talibe-children-senegal-2017-2018 [↑](#footnote-ref-1)
2. Dakar, Diourbel, Fatick, Kaolack, Louga, Saint-Louis, Tambacounda, and Thiès [↑](#footnote-ref-2)
3. ‘*There is Enormous Suffering’: Serious Abuses Against Talibe Children in Senegal 2017-2018*, op.cit [↑](#footnote-ref-3)
4. *Ibid* [↑](#footnote-ref-4)
5. *Ibid* [↑](#footnote-ref-5)
6. *Ibid* [↑](#footnote-ref-6)
7. Observation (CEACR) - adopted 2016, published 106th ILC session (2017) [*Worst Forms of Child Labour Convention, 1999 (No. 182)*](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO) *- Senegal (Ratification: 2000)* [↑](#footnote-ref-7)
8. US Department of State, *2017 Trafficking in Persons Report,* June 2017 [↑](#footnote-ref-8)
9. Human Rights Watch, *“I still see the Talibés begging”: Government Program to Protect Talibé Children in Senegal Falls Short*, July 2017 [↑](#footnote-ref-9)
10. Information provided by the Ministry of the Family to Human Rights Watch, *Ibid* [↑](#footnote-ref-10)
11. *Ibid* [↑](#footnote-ref-11)
12. US Department of State, *2019 Trafficking in Persons Report: Senegal,* June 2019 https://www.state.gov/reports/2019-trafficking-in-persons-report/senegal/ [↑](#footnote-ref-12)
13. https://www.hrw.org/news/2019/03/07/submission-human-rights-watch-african-charter-rights-and-welfare-child-senegal [↑](#footnote-ref-13)
14. US Department of State, *2019 Trafficking in Persons Report: Senegal,* June 2019 [↑](#footnote-ref-14)
15. ‘*There is Enormous Suffering’: Serious Abuses Against Talibe Children in Senegal 2017-2018*, op.cit [↑](#footnote-ref-15)
16. US Department of State, *2019 Trafficking in Persons Report: Senegal,* June 2019 [↑](#footnote-ref-16)
17. Human Rights Watch, *“I still see the Talibés begging,* op.cit [↑](#footnote-ref-17)
18. ‘*There is Enormous Suffering’: Serious Abuses Against Talibe Children in Senegal 2017-2018* [↑](#footnote-ref-18)
19. US Department of State, *2019 Trafficking in Persons Report: Senegal,* June 2019 [↑](#footnote-ref-19)
20. *Ibid* [↑](#footnote-ref-20)
21. ‘*There is Enormous Suffering’: Serious Abuses Against Talibe Children in Senegal 2017-2018*, op.cit [↑](#footnote-ref-21)
22. Individual case (CAS) – Discussion: 2013, Publication: 102nd ILC session (2013), Worst Forms of Child Labour Convention, 1999 (No. 182) – Senegal (ratified 2000) [↑](#footnote-ref-22)