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Anti-Slavery International, and La Rencontre Africaine pour la Défense des Droits de l'Homme: Joint submission for the Universal Periodic Review of Senegal, 17th session, 21 October – 1 November 2013

Executive Summary

This is a joint submission by Anti-Slavery International, and La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) on forced child begging of *talibés* in Senegal. *Talibés* are children, some as young as five years old, almost exclusively boys, who study in Koranic schools (*daaras*), which are not part of the formal education sector in Senegal.

It is estimated that around 50,000 *talibés* are forced to beg on the streets for up to eight hours per day. They experience physical abuse and other forms of threats and coercion and are separated from their families for long periods. They live in crowded and unhygienic conditions, are vulnerable to disease, and are poorly educated. Many have been trafficked.

The Government has stated its commitment to addressing child begging, including the forced child begging of *talibés* as a priority.¹ The necessary legislation is essentially in place and a programme to modernise *daaras* has been initiated. At its first Universal Periodic Review, the Government of Senegal accepted recommendations relating to the protection of children from abuse, exploitation, trafficking and child labour, as well as access to education,² which are commitments relevant to the protection of children in begging situations. However, legislation is not being adequately enforced and the *daara* modernization programme needs to be urgently accelerated if the problem is to be addressed.

Anti-Slavery International and RADDHO recommend that in order to end forced child begging of *talibés*, the Government should accelerate the *daara* modernization programme as a matter of urgency; ensuring that it is sufficiently resourced and rolling it out on a national level; and enforce and harmonise relevant national legislation.

¹ “Conseil Interministeriel sur la Mendicité Infantile: Le gouvernement compte éradiquer le fléau d’ici à 2015” *Le Soleil*, 9-10 February 2013.

² Report of the Working Group on the Universal Periodic Review, Senegal, A/HRC/11/24, 5 October 2009, II Conclusions and/or recommendations, paragraph 97, Recommendations 19, 23, 24, 25 and 26

1. Forced child begging of talibés in Senegal

Talibés are children, some as young as five years old, almost exclusively boys, who study in Koranic schools (*daaras*) under Koranic teachers and/or *Marabouts* (Koranic masters). *Daaras* are not part of the “formal” education sector in Senegal. 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 learning the Koran by rote.

There are no reliable statistics for the number of *talibés* in Senegal. UNICEF put at 100,000 the number of children living and/or working on the streets in Senegal, the majority of whom are thought to be *talibés*. In April 2010, Human Rights Watch estimated the number of *talibés* forced to beg – the vast majority under the age of 12 and many as young as four – to be in the region of 50,000.³ The US Department of State’s 2012 *Trafficking in Persons (TIP) Report*, states that “according to several organizations, the number of children begging in the streets of Dakar is higher than at any other point in Senegal’s history”.⁴

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 from their families for long periods, and are entirely dependent on the *daara* and their Koranic teacher or *Marabout*.

Talibés are forced to beg and meet their financial ‘quota’ through the use of physical and emotional abuse and other forms of threats and coercion. Children fleeing *daaras* because of corporal punishment often end up living on the streets.

Talibés live in crowded and unhygienic conditions. The UN Special Rapporteur on the sale of children, child prostitution and pornography, Najat Maalla M’jid, visited a *daara* during her mission to Senegal in October 2009, and reported that “the living and sleeping conditions she found there were appalling: cramped dilapidated buildings and a total lack of hygiene.”⁵ *Talibés* are impoverished, vulnerable to disease and poor nutrition. They are poorly educated and social ill-equipped for their future lives.

The violations typically suffered by *talibés* have been widely documented over the years. The US Department of State’s 2012 *Trafficking in Persons (TIP) Report* documented the arrest of two Koranic teachers in Kaolack in 2011 for allegedly brutally beating students who they had forced to beg for money in the streets.⁶

The International Labour Organisation (ILO) Committee of Experts on the Application of Conventions and Recommendations has expressed its concern on a

³ Human Rights Watch, “*Off the Backs of the Children*”: *Forced begging and other abuses against Talibés in Senegal*, 15 April 2010

⁴ US Department of State Office to Monitor and Combat the Trafficking in Persons, *Trafficking in Persons Report 2012* (published June 2012), p303. <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>

⁵ Report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography. Najat Maalla M’jid, Mission to Senegal, A/HRC/16/57/Add.3, 28 December 2010, p15, paragraph 86

⁶ US Department of State Office to Monitor and Combat the Trafficking in Persons, *Trafficking in Persons Report 2012* (published June 2012), p303. <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>

number of occasions about forced child begging of talibés in Senegal, which is a worst form of child labour under ILO Convention No.182 on the Worst Forms of Child Labour. In 2012 it expressed its “*deep concern* at the large number of *talibé* children used for purely economic ends and the failure to give effect to Act No. 02/2005 in respect of Koranic teachers who make use of begging by *talibé* children for economic purposes...” It requested the Government to “intensify its efforts to protect *talibé* children under 18 years of age from forced or compulsory labour, such as begging.”⁷

The report of the UN Special Rapporteur on the Right to Education, Kishore Singh, following his mission to Senegal in January 2011, noted the exposure of children to begging and the conditions in *daaras* as “profondément préoccupante” (of serious concern) and further recommended that the Government enforce relevant laws and continue to take steps towards modernizing *daaras*.⁸

The UN Committee on the Elimination of Racial Discrimination also noted in its Concluding Observations on Senegal in August 2012, its “préoccupation” (concern) at the persistence and magnitude of the *talibé* problem. Its recommendations included the acceleration of the *daara* modernization programme and integration of the curriculum.⁹

2. The causes of forced child begging of talibés

Poverty, a lack of access to good quality and affordable State-run education, and a strong desire by many parents, in a country which is 95% Muslim, for their children to learn the Koran lie at the heart of decisions to send children away to *daaras*. For *Marabouts*, religious culture and a lack of alternative income to finance the *daaras* is often cited to justify begging. But begging is not an intrinsic part of Koranic schooling. Evidence also suggests that some Koranic masters gain far in excess of the income needed to maintain their *daaras* and earn a basic living from children begging.¹⁰

3. The Government response: legal and policy framework

3.1 Commitments made to address forced child begging of talibés

During Senegal’s first Universal Periodic Review in 2009, the Government stated that it had set up various national programmes, including some addressing the specific problems of certain vulnerable social groups, such as street children and the pupils of certain Koranic schools.¹¹ In response to a question by Germany¹², the Government

⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (no.182), Senegal, Published 2012

⁸ Report of the UN Special Rapporteur on the Right to Education, Kishore Singh, to the UN Human Rights Council, Mission to Senegal, 8-14 January 2011, A/HRC/17/29/Add.2, pp.17 and 21.

⁹ Concluding Observations of the UN Committee on the Elimination of Racial Discrimination on Senegal, adopted 29 August 2012, CERD/C/SEN/CO/16-18, p.4

¹⁰ Human Rights Watch, “*Off the backs of the Children*”: *Forced begging and other abuses against Talibés in Senegal*, 15 April 2010

¹¹ Report of the Working Group on the Universal Periodic Review, Senegal, A/HRC/11/24, 5 October 2009, page 4, paragraph 11

replied that “In addition to ratifying all the relevant conventions, Senegal has provisions in place for children in families, schools and public areas, such as the streets. In that regard, Senegal is addressing the question of *talibés* by helping the Koranic schools. Corporal punishment is prohibited; one Koranic teacher has been convicted for that offence.”¹³

Recommendations relevant to the issue of forced child begging enjoyed the support of the Government, including to implement legal mechanisms to protect children, strengthen the education system and ensure equal access to education, eliminate discrimination against vulnerable groups of children, implement laws to protect children from trafficking and child labour, take measures to address the causes of child labour such as poverty and access to education, and address other forms of violence and exploitation of children including corporal punishment.¹⁴

While a legal framework to address forced child begging is essentially in place, laws are not being enforced adequately. The previous Government of Senegal took steps to address forced child begging of *talibés* by initiating a State-run and/or regulated modern *daara* programme. The new Government of Senegal, elected in March 2012, has stated its commitment to *daara* modernisation and the enforcement of applicable laws as a priority. It elaborated a comprehensive strategic plan to eliminate child begging incorporating these elements in consultation with key stakeholders in February 2013. However, progress on both law enforcement and the modern *daara* programme now need to be advanced urgently by the new Government.

3.2 A legal framework to address forced child begging

Senegal has ratified several international treaties which prohibit the forced begging of children, including the UN Supplementary Convention on the Abolition of Slavery, the UN Convention on the Rights of the Child, and ILO Convention No.182 on the Worst Forms of Child Labour.

A national legal framework to address forced child begging is essentially in place. Law No. 2005-6 to Combat Trafficking in Persons and Related Practices (2005) explicitly criminalises forced child begging, punishable by imprisonment of two to five years and a fine of 2,000,000 CFA (US\$1,046 – US\$4,185). The penalty for trafficking is imprisonment of five to ten years and a fine of five to twenty million CFA (US\$10,460 – US\$41,850). Section V, Paragraph III of the Penal Code criminalises begging, punishable by imprisonment of three to six months.

However, the Penal Code’s text states that begging is tolerated at sites and in conditions which are consecrated by religious authorities; with Article 245 of the

¹² *Ibid*, page 9, paragraph 45: “Germany asked about measures to guarantee equality and to abolish discrimination of children born out of wedlock, children with disabilities, children affected by HIV/AIDs, girls, street children and talibés.”

¹³ Report of the Working Group on the Universal Periodic Review, Senegal, A/HRC/11/24, 5 October 2009, page 11, paragraph 60

¹⁴ *Ibid*, pp16-19, paragraph 97, Recommendations 19, 23, 24, 25 and 26

Penal Code stating “the act of seeking alms on days, in places and under conditions established by religious traditions does not constitute the act of begging”.¹⁵

Law No. 2005 does not distinguish between ‘tolerable’ and ‘prohibited’ begging as the Penal Code does, and therefore could reasonably be said to include begging in whatever location and for whatever purpose. Nevertheless, it would be helpful to amend the Penal Code to remove any doubt that forcing a child to beg is prohibited in all locations and all circumstances, including in *daaras*.

The ILO Committee of Experts requested the Government “to take the necessary measures to harmonize the national legislation so as to guarantee that the use of begging by *talibé* children for economic exploitation will be criminalized under section 245 of the Penal Code and Act No. 02/2005.”¹⁶ The Special Rapporteur on the sale of children, child prostitution and pornography also called on the Government to “Eliminate the inconsistencies between article 3 of the Anti-Trafficking Act and article 245 of the Penal Code on the prohibition of begging in order to ensure that the prohibition is respected and applied”.¹⁷

3.3 A failure to adequately enforce the law

The Government has largely failed to enforce the law and end the exploitation and abuse of *talibés*. Only a few isolated cases of extreme violence and abuse perpetrated against *talibés* have been prosecuted under the Penal Code. Furthermore no *Marabout*/Koranic master had been arrested, prosecuted or convicted expressly for forcing *talibés* to beg until 2010, following the public outcry in the wake of a Human Rights Watch report in April 2010.¹⁸ Nine *Marabouts* were convicted in September 2010 for forcing children to beg, but the majority received deferred sentences and were released immediately, following pressure by branches of Associations of Koranic Teachers in religious centres, on former President Abdoulaye Wade. None have been prosecuted or convicted since.

The US Department of State’s 2012 *Trafficking in Persons (TIP) Report* stated that in 2011 there were no prosecutions based solely on Law No. 2005 on Trafficking. It noted that the only case relating to *talibés* in 2011 was the arrest of two Koranic teachers in Kaolack for allegedly beating *talibés* who they had forced to beg. However the two were charged with child abuse rather than offences relating to trafficking or forcing the children to beg. The report stated that many law enforcement and judicial personnel remained unaware of the law’s existence, and concluded that the Government’s anti-trafficking efforts had worsened during the reporting period.¹⁹

3.4 A fundamental need to modernise the *daara* system

¹⁵ Article 245, Law No. 75-77, 9 July 1975

¹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No.182), Senegal, Published 2012

¹⁷ Report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M’jid, Mission to Senegal, page 18, paragraph 110

¹⁸ Human Rights Watch, “*Off the Backs of the Children*”: Forced begging and other abuses against *Talibés* in Senegal , 15 April 2010

¹⁹ US Department of State Office to Monitor and Combat the Trafficking in Persons, *Trafficking in Persons Report* 2012 (published June 2012), p303

Daaras are not part of the “formal” education sector in Senegal. As such, they are outside of State control and without a national regulatory framework or code of conduct. The previous Government took some initial steps to create a harmonised State-run and/or regulated system of Koranic schooling.

In 2008, a *Daara* Inspectorate was set up in the Ministry of Education to lead the *daara* modernisation programme and integrate modern *daaras* into the State education system. The *Daara* Inspectorate elaborated a number of regulatory texts which went before Parliament, which to date are still awaiting passage into law.

There are on average six and a maximum of eight schools’ inspectors in each (administrative) department of the country. In the early 2000s, the State began recruiting specialised Franco-Arab inspectors, who are to be tasked with inspecting modern *daaras*. The aim was to have on average two of these additional inspectors per department, depending on its size.

In January 2010, the Ministry of Education signed an agreement with the *Partenariat pour le Retrait et la Réinsertion des Enfants de la Rue* (PARRER) for a harmonized curriculum for Koranic schools, which was launched in January 2011. It covers a wider range of competencies, including national languages and vocational training, in line with existing law and policy. It is currently being piloted in 20 *daaras* in four regions of Senegal (Dakar, Thiès, Diourbel and Kaolack). The pilot programme was planned to last for three years (2011-2014) and gradually be extended nationwide from year two of the pilot (2012-2013). Children in these *daaras* are not required to beg.

In addition to the *daaras* piloting the curriculum, the Islamic Development Bank has agreed funding of 5 billion CFA (US\$10,172,121) to establish 32 private and 32 public modern *daaras*. According to the Government, it will also offer grants to the families of talibés who agree to return to or stay in their place of origin to study. The World Bank also recently notified the Government that it will finance a further 100 modern *daaras* from October 2013.

The new Government of President Macky Sall has taken steps to prioritise the *daara* modernization programme with the formulation of a strategic action plan against child begging. But the programme must be accelerated as a matter of urgency, including:

- Rolling it out on a national level, especially in rural areas from where most talibés originate.
- Allocating a significant percentage of the national State education budget towards the programme, alongside a detailed plan with costings for the roll-out of the programme so further financial and technical assistance can be sought.
- Accelerating the passage of the regulation framework into law.
- Developing a manual to accompany the curriculum to support the dissemination of the curriculum and its accessibility among Koranic masters, in consultation with key stakeholders, particularly associations of Koranic masters.

4 Conclusions and Recommendations

Talibés who are forced to beg work long hours, receive little or no pay, experience physical abuse and other forms of threats and coercion, and are separated from their families for long periods in crowded and unhygienic conditions. The Government has stated its commitment to addressing the issue of forced child begging of *talibés*. The necessary legislation is essentially in place. The Government must now take action without delay to accelerate the creation of a modern *daara* system, alongside efforts to harmonise and enforce national legislation.

The Government of Senegal is therefore urged to:

- Amend the Penal Code to remove any doubt that forcing a child to beg is prohibited in all locations and all circumstances, thereby bringing it in line with the requirements of Convention No.182.
- Ensure the enforcement of existing laws related to forced child begging. Koranic masters who exploit children in this way must be prosecuted and subject to sentences that are commensurate with the crime, and are strictly enforced.
- Accelerate the *daara* modernization programme without delay. To this end, the Government should: allocate a significant percentage of the national State education budget towards it in order to implement the programme nationwide, especially in rural areas from where most *talibés* originate; prepare a detailed plan with costings for the roll-out of the programme nationwide, and engage with bilateral and multilateral agencies for additional funding and technical assistance; establish modern *daaras* in rural areas where most *talibés* originate and transit, notably in those locations where some sensitization of local populations and religious leaders is already underway; accelerate the passage of the regulatory framework into law; and consider ways to disseminate and make accessible the curriculum.
- Identify *talibés* who are being forced to beg, remove them from harm, and ensure that they are offered rehabilitative care appropriate to their needs by reinforcing child protection services. Strenuous efforts must be made to locate their families and return them to, and reintegrate them in, their communities of origin.
- Provide training for police and other officials who may come into contact with child beggars on national legislation relating to forced child begging and child protection issues.
- Develop strategies to prevent forced child begging that deal with the root causes, including poverty. The Government should also work closely with governments and key stake holders in neighbouring countries of origin, notably Guinea-Bissau, Guinea, Mali and the Gambia.
- Develop alternative strategies for assisting people to give to those in need, for example, by establishing collection points to facilitate the organized collection and distribution of alms.
- Initiate a national public awareness campaign among local communities, Koranic masters and the general population on the realities of forced child begging by *talibés* as well as the *daara* modernization programme and enforcement of laws as part of the solution to the problem.