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NGO Supplementary Report on Senegal's implementation of the Convention on the Rights of the Child by Anti-Slavery International (UK) and La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) (Senegal)

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**Main contacts for this submission:**

Sarah Mathewson, Africa Programme Coordinator, Anti-Slavery International, [s.mathewson@antislavery.org](mailto:s.mathewson@antislavery.org), + 44 (0) 20 7501 8931

Mame COUNA Thioye, Child Rights Programme Coordinator, Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), [ndiobathioye@gmail.com](mailto:ndiobathioye@gmail.com), +221 77 503 7031

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## INTRODUCTION

1. This is a joint submission by Anti-Slavery International (UK) and La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) (Senegal) 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*). These schools are not part of the formal education sector in Senegal. The information in this alternative report is based on a joint project between Anti-Slavery International, Tostan (Senegal) and RADDHO that aims to end forced child begging by *talibé* children in Senegal.
2. It is estimated that around 50,000 *talibés* are forced to beg on the streets in Senegal for an average of five hours per day. Most Koranic masters do not charge students for their studies, meals or accommodation. Instead, the children are obliged to spend hours a day begging in the street for their food and keep, in addition to or instead of learning the Koran. The *Talibés* that beg are neglected and vulnerable to abuse, both on the streets and by Koranic Masters themselves. They live with other boys in crowded and unhygienic conditions. They are usually malnourished and very susceptible to illness.
3. Most *talibés* come from rural areas of Senegal or are trafficked from neighbouring countries, such as Mali and Guinea-Bissau, to beg in Senegal. These children are especially vulnerable because they are separated from their families for long periods, and are entirely dependent on their Koranic Master. Our organisations have highlighted the issue internationally in order to put pressure on and find ways to support the government in ending child begging by *talibés*. We have also worked with local communities in specially designed programmes to raise awareness among families about the risks incurred by their children when they are sent away to Koranic Masters, and the need to protect *talibé* in their home regions.
4. During its previous review of Senegal in 2006, the Committee on the Rights of the Child (hereafter 'the Committee') noted with concern the practice of Koranic schools sending *talibés* "to agricultural fields or to the streets for begging and other illicit work that provides money, thus preventing them from having access to health, education and good living conditions".<sup>1</sup> To this end, the Committee made several recommendations, including:
  - a) Adopt further measures to ensure the effective enjoyment of the fundamental rights of *talibés*, including children coming from neighbouring countries, and to protect them against any form of exploitation and discrimination;
  - b) To undertake efforts to ensure an effective monitoring system of their situation by the State party, in close cooperation with religious and community leaders; and,

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<sup>1</sup> Committee on the Rights of the Child, Forty-third session, Consideration of Reports Submitted by States

- c) To set up family support programmes, including awareness-raising campaigns with a view to their reinsertion in the family unit.<sup>2</sup>
5. During its 2006 review of Senegal, the Committee also noted with concern the “increasing number of street children and begging children in the State party”. The Committee recommended that Senegal address the rights and needs of street children and begging children and facilitate their reintegration into society by:
- a) Undertaking a study and assessment of the situation of these children in order to get an accurate picture of the causes and magnitude of the phenomenon; and
  - b) Developing and implementing with the active involvement of street and begging children and NGOs a comprehensive policy which should address the root causes, in order to discourage, prevent and reduce child begging, and which should provide begging and street children with necessary protection, adequate health-care services, education and other social reintegration services.<sup>3</sup>
6. During its last Universal Periodic Review in 2013, Senegal accepted recommendations to protect *talibé* children from exploitation, to eliminate forced child labour, including child begging, and to increase policies with the view to educate and protect *talibé* children.<sup>4</sup> The Government had also stated its commitment to addressing child begging, including the forced child begging of *talibés* as a priority.<sup>5</sup> However, legislation against persons who allow begging by young people under their authority is not being enforced.
7. Anti-Slavery International and RADDHO recommend that in order to end forced child begging of *talibés*, the Government should accelerate the *daara* reform programme as a matter of urgency by passing the *daara* law without delay; ensuring that the programme is sufficiently resourced and rolling it out on a national level; and enforcing and strengthening relevant national legislation.

### **SECTION 3: GENERAL PRINCIPLES**

8. Decisions to send children away to *daaras* are usually influenced by family poverty (and an inability to care for large numbers of children), a lack of access to free State education, and a strong desire by many parents for children to learn the Koran from Koranic Masters or *marabouts* (Senegal’s population is 95% Muslim, with religious life strongly guided by *marabouts*). Local State schools are effectively inaccessible to large numbers of children; in many cases being located several miles away and involving unaffordable costs for poorer families. Even when State schools are

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<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, para. 59.

<sup>4</sup> Report of the Working Group on the Universal Periodic Review: Senegal, A/HRC/25/4, 11 December 2013, paras. 124.55 (United States), 124.57 (France), 124.69 (Paraguay) and 124.104 (Austria).

<sup>5</sup> “Conseil Interministériel sur la Mendicité Infantile: Le gouvernement compte éradiquer le fléau d’ici à 2015” *Le Soleil*, 9-10 February 2013.

available, they do not incorporate Koranic or spiritual education, which is a concern for many parents.

9. In this regard, the Committee's General Comment 14 on the right of the child to have his or her best interests taken as a primary consideration notes that the State is obligated to ensure effective equal opportunities for all children to enjoy the rights under the Convention on the Rights of the Child (hereafter the Convention), including by taking positive measures to redress a situation of real inequality.<sup>6</sup> The same General Comment 14 also states that it is in the best interests of the child to have access to quality education free of charge.<sup>7</sup> To this end, the State of Senegal should ensure that local State schools are available in rural as well as urban areas and that they provide free quality primary and secondary education,<sup>8</sup> in order to facilitate equal access for all children. This means that *daaras* must be integrated as a sub-sector in the Programme to Improve the Quality, Equity and Transparency of Basic Education (PAQUEB), the new programme adopted by the Senegalese government after evaluation of its Ten-Year Education and Training Programme.
10. In addition to Senegalese State schools (Ecoles Françaises), which are secular, there are also schools known as Franco-Arabic schools (Ecoles Franco-Arabes), where children are taught the Koran alongside a wider curriculum and are not required to spend time begging. These operate in either the State or private sector, but all are recognised by the State. Currently, there are relatively few Franco-Arabic schools in number. It is worth noting that the children who currently attend these schools tend to come from families with greater means, live locally to the school and return home at the end of the school day. This is unlike most child *talibés* who are typically sent away to *daaras* in the cities far from their homes in rural areas.
11. For Koranic Masters, religious culture and a lack of alternative income to finance the *daaras* is often cited to justify begging. However, begging is not an intrinsic part of Koranic schooling. Evidence also suggests that many Koranic Masters gain far in excess of the income needed to maintain their *daaras* and earn a basic living from children begging.<sup>9</sup> Child begging as a means to fund *daaras* and/or provide a living to Koranic Masters cannot be considered in the best interests of the child and as such violates Article 3 (1) of the Convention, obligating public or private social welfare institutions to ensure that the child's best interest are a primary consideration.<sup>10</sup>
12. In addition to ensuring that secular State schools provide free quality education, the work of Anti-Slavery International, RADDHO and Tostan has aimed to ensure that *daaras* are regulated and reformed by the State of Senegal. Indeed, a State programme is now under way to set norms for *daaras*, including the eradication of begging, a

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<sup>6</sup> Committee on the Rights of the Child, General Comment 14 on the right of the child to have his or her best interests taken as a primary consideration, CRC/C/GC/14, 29 May 2013, para. 41.

<sup>7</sup> *Ibid.*, para. 79.

<sup>8</sup> CRC, Article 28 (1) (a) and (b).

<sup>9</sup> Human Rights Watch, "Off the backs of the Children": Forced begging and other abuses against Talibés in Senegal, 15 April 2010.

<sup>10</sup> CRC, Article 3 (1).

more diverse academic curriculum, and decent standards of hygiene, health, child protection and child rights. *Daaras* will have to register officially with the State and will be inspected by a ‘Daara Inspectorate’ to ensure they conform to the norms. The State should accelerate the adoption of the law establishing the criteria against which *daaras* will be regulated.

13. The State of Senegal must ensure that *daaras* are being run in the best interest of the child. As part of the process of reforming and regulating *daaras*, Senegal must undertake a detailed mapping of *daaras* and undertake inspections alongside civil society organisations, community representatives and the local authorities, to identify the standards and practices within them. Effective regulation of *daaras* relies on strong public support for this process, including the endorsement and involvement of surrounding communities and Koranic Masters themselves. The State should intensify its efforts to consult and collaborate with religious leaders and communities at all stages of its efforts to improve *daaras*. *Daaras* that are respecting the norms, or making clear efforts to do so, should be supported to improve. Senegal should also fulfil its pledge to create new *daaras* that conform to standards. *Daaras* in which children are exploited and forced to beg, or otherwise neglected or abused, should be closed, with their leaders subjected to relevant sanctions. Children in those *daaras* must be offered rehabilitative care appropriate to their needs by child protection services. Strenuous efforts must be made to locate their families and return them to, and reintegrate them in, their communities of origin.

### **Recommendations:**

- (i) Ensure that local State schools provide free quality primary and secondary education, in order to facilitate equal access to education for children of low-income and rural families. To this end, *daaras* must be integrated as a sub-sector in the Programme to Improve the Quality, Equity and Transparency of Basic Education (PAQUEB), the new programme adopted by the Senegalese government after evaluation of its Ten-Year Education and Training Programme;
- (ii) Accelerate the process of adopting and implementing legislation to reform and regulate *daaras*, and create improved, public and community *daaras*. The State must ensure that begging is not practised at any *daara*; that the curriculum is diversified beyond Koranic memorisation; and that child protection standards and child rights are upheld. The State must ensure that the reform and regulation process has strong public support, and as such must engage in awareness-raising, consultations, and collaborative work with communities, civil society organisations, religious leaders and local authorities to implement its programme;
- (iii) Develop strategies to prevent forced child begging and exploitation in *daaras* 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.

## **SECTION 9: SPECIAL PROTECTION MEASURES**

14. The phenomenon of child begging within *daaras* violates the State of Senegal's obligations under Article 32 of the Convention, which stipulates that children must be protected from economic exploitation and the performance of any work that is likely to interfere with the child's education or be "harmful to the child's health or physical, mental, spiritual, moral or social development" and Article 36, which obligates States to "protect children against all forms of exploitation prejudicial to any aspects of the child's welfare".<sup>11</sup>
15. The Committee has noted in its General Comment 17 that children engaged in arduous work are denied their right under Article 31 of the Convention to rest, leisure, play, recreational activities, cultural life and the arts and has stipulated that children who have experienced exploitation should be provided with support for recovery and reintegration.<sup>12</sup> To this end, the State of Senegal should identify *talibés* who are being forced to beg as part of its efforts to regulate *daaras*. Children must be removed from harm and offered rehabilitative care appropriate to their needs by child protection services.
16. The experience of one 15-year-old *talibé* boy illustrates the conditions in *daaras* in which students are forced to beg. Seydou<sup>13</sup> has lived in a *daara* for seven years. Recently one of his younger brothers came to join him. Seydou usually wakes up at 6am and spends the first hour of the day learning the Koran. Then, with an empty tin can, he goes from one house to another to beg for food for his breakfast. He returns to the *daara* at 9am, at which time the morning courses begin. At 1pm Seydou goes to neighbouring houses to beg for his lunch, coming back to the *daara* for an hour or so to rest and eat. The afternoon classes begin at 3pm. At around 5pm every day, Seydou goes to collect water for the *daara* with other *talibés*. He then studies the Koran for another three hours, before going out at 8pm to beg for his dinner. He comes back to the *daara* to study the Koran some more before bedtime at around 10pm. He sleeps in a small hut with a straw roof alongside seven other children. Seydou says that if he doesn't beg, he won't eat, and if he doesn't bring back enough money on two or three occasions, his Koranic master will beat him. He misses his parents and would rather be at home with them than in the *daara*. He says that he likes learning the Koran, but would also like to know some French so that he could read road signs.<sup>14</sup>

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<sup>11</sup> CRC, Articles 32 (1) and 36.

<sup>12</sup> Committee on the Rights of the Child General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, CRC/C/GC/17, 17 April 2013, paras. 29 and 31.

<sup>13</sup> Name has been changed.

<sup>14</sup> Fifteen year-old talibé quoted in Emily Delap, *Begging for Change: Research findings and recommendations on forced child begging in Albania/Greece, India and Senegal*, Anti-Slavery International, London (2009), page 11.

17. Senegal has ratified several international treaties that 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. The International Labour Organisation (ILO) Committee of Experts on the Application of Conventions and Recommendations has expressed its concern on a 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.”<sup>15</sup>
18. The Government of Senegal has taken steps in recent years to tackle the issue of child begging. On 29 November 2012 the Council of Ministers adopted a National Framework Plan for the Prevention and Elimination of Child Labour (PCNPETE), along with an action plan up until 2016 for combating child labour. On 8 February 2013 an inter-ministerial council chaired by the Prime Minister was held to discuss ways and means of eradicating the practice of child begging, from which a National Framework Plan for the Eradication of Begging (PNEMI) 2013-15 was drawn up. The plan was adopted in April 2013, with the President of Senegal declaring his support for *daara* reform and reaffirming his commitment to take necessary measures to enforce laws against child begging by the end of 2015. In November 2013, the government *daara* reform and regulation project (PAMOD) was officially launched, and a detailed child protection strategy was agreed in December 2013. A law establishing the criteria that *daara* will have to conform to (and against which they will be inspected by the ‘Daara Inspectorate’) was submitted to various stakeholders for feedback in November 2014, with a view to gaining their endorsement before being submitted to the Council of Ministers and the National Assembly for adoption.<sup>16</sup>
19. 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).
20. Section V, Paragraph III of the Penal Code criminalises begging, punishable by imprisonment of three to six months. However, there is a lack of clarity in the Penal Code, as it states that begging is tolerated at sites and in conditions which are consecrated by religious authorities; with Article 245 of the 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”.<sup>17</sup> Law No. 2005-6 does not

<sup>15</sup> 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.

<sup>16</sup> ILO Committee on the Application of Standards, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), Senegal, Published 2013.

<sup>17</sup> Senegalese Penal Code, Article 245, Law No. 75-77, 9 July 1975.



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. At the 102<sup>nd</sup> ILC session in 2013, a government representative was questioned on this inconsistency and stated that there was no ambiguity between the Penal Code and the anti-trafficking law of 2005: both coincided in condemning persons who allowed begging by young people under their authority. 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*.

21. Indeed, 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.”<sup>18</sup> The former 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”.<sup>19</sup>
22. Despite the existence of these laws, 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 until 2010 no Koranic master had been arrested, prosecuted or convicted expressly for forcing *talibés* to beg. Following the public outcry in the wake of a Human Rights Watch report in April 2010,<sup>20</sup> Prime Minister Souleymane Ndéné Ndiaye announced a decree banning begging in public places in August 2010. In September 2010 seven Koranic masters were arrested and given six month sentences and a fine of 100,000 CFA (US\$209) as a “warning” under Law No. 2005-6. However, these sentences were not carried out.<sup>21</sup> According to the US State Department, a further two Koranic Masters were sentenced during the same period and served one month prison terms before being released.<sup>22</sup>
23. In September 2010, associations of Koranic teachers in religious centres condemned the application of the law, threatening to withdraw their support for President Abdoulaye Wade in forthcoming elections, scheduled to take place in February 2012.<sup>23</sup> By October 2010, President Wade had retracted the ban, reportedly on the grounds that it went against Senegal’s long established custom of collecting alms to

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<sup>18</sup> ILO Committee of Experts, *Supra*, n. 15.

<sup>19</sup> 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, p. 18, para. 110.

<sup>20</sup> Human Rights Watch, *Supra*, n. 9.

<sup>21</sup> See US Department of State Office to Monitor and Combat the Trafficking in Persons, *Trafficking in Persons Report* (2011) <<http://www.state.gov/j/tip/rls/tiprpt/2011/>>.

<sup>22</sup> *Ibid*.

<sup>23</sup> See “Les Imams Ratib du Fouta Publient une ‘Fatwa’ contre L’Interdiction de la Mendicité: C’est un complot par des ONGs occidentaux contre les traditions islamiques”, *Le Populaire*, 4 September 2010, <http://www.popxibaar.com>; “Touba-Marabouts et maitres coraniques font bloc contre la loi 06-2005. Wade est averti pour 2012”, *Seneweb News*, 7 September 2010, <http://www.seneweb.com>.

ban begging outright in one go.<sup>24</sup> No *marabouts*/Koranic Masters have been prosecuted or convicted since.

24. 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.<sup>25</sup>
25. In order to end impunity for Koranic Masters that force *talibés* to beg, the above named organisations recommend that the State of Senegal accelerate the process of passing the *daara* law discussed in paragraph 18 above. In this regard, Article 16 of the draft law stipulates that Koranic teachers that force *talibés* to beg are subject to penalties as per "the laws and regulations in place". Considering the ambiguity arising from the laws and regulations in place – namely the apparent contradiction between the Law No. 2005-6 and section 245 of the penal code – the above named organisation recommend that the *daara* law should explicitly list the penalties in place under Senegalese law for subjecting children to forced begging.
26. Given the resistance to past measures to eliminate forced child begging, the need for strong public understanding and support for the *daara* reform programme cannot be overestimated. The State of Senegal should undertake efforts to consult with civil society, including religious associations and community representatives, to raise public awareness, to collaborate with local authorities, to ensure understanding of child rights/protection concerns and to obtain consensus on why *daaras* must be improved. Some efforts have already been made in this regard.

### **Recommendations:**

- (i) The State of Senegal should 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 ILO Convention No.182;
- (ii) The State of Senegal should pass the *daara* law without further delay. Considering the ambiguity arising from the laws and regulations in place – namely the apparent contradiction between the Law No. 2005-6 and section 245 of the penal code – the *daara* law should explicitly list the penalties in place under Senegalese law for subjecting children to forced begging;

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<sup>24</sup> See for example, "Sénégal: le Président Wade conteste l'interdiction de la mendicité dans les lieux publics" RFI, 9 October 2010, <http://www.rfi.fr>; "Interdiction de la mendicité : Wade se dédit et désavoue son gouvernement", Le Populaire, 8 October 2010, <http://www.popxibaar.com>.

<sup>25</sup> US Department of State Office to Monitor and Combat the Trafficking in Persons, *Trafficking in Persons Report* (2012), <<http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>>, p. 303.

- (iii) The State of Senegal must ensure the enforcement of existing laws related to forced child begging once the new regulation programme is operational. To this end, the State should provide training for the local authorities, *daara* inspectors, police and other officials who may come into contact with *talibé* on the national legislation relating to forced child begging and child protection issues. Koranic masters who exploit children in this way must be prosecuted and subject to sentences that are commensurate with the crime, and are enforced;
- (iv) The State must also develop alternative strategies for assisting people to give to those in need, for example, by establishing collection points to facilitate the organised collection and distribution of alms.

## **SECTION 8: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

27. The sole focus on Koranic education in *daaras* demonstrates a failure of the State of Senegal to meet its obligations under Article 29 (1) of the Convention, which “underlines the individual and subjective right to a specific quality of education”.<sup>26</sup> To this end, the Committee has noted in its General Comment 1 on the aims of education that “the curriculum must be of direct relevance to the child’s social, cultural, environmental and economic context and to his or her present and future needs... Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life”.<sup>27</sup> Indeed, many parents and children would prefer to combine Koranic schooling with a broader education to enhance job prospects and make children better equipped for later life.

*“We must teach French to our children... Now, there are a lot of changes to our tradition and way of life. If you don’t learn French, you will have problems if you go to the towns.”*<sup>28</sup>

28. To this end, the above-named organisations recommend that the State of Senegal implements a harmonised curriculum as part of its *daara* reform programme, covering a wider range of subjects, including national languages, French and maths, as well as learning the Koran.
29. The Government is now taking steps to create public and community *daaras* with a regulated system of Koranic schooling. Consultations with religious leaders and State educators around the curriculum for *daaras* are currently ongoing. The State has recruited over 70 specialised Franco-Arab inspectors for the 14 regions of Senegal, who will soon be tasked with inspecting *daaras*. The stated aim is to have inspectors monitoring the quality of education offered in *daaras*. However, it is crucial that the inspectors monitor other practices within *daaras* too (including child protection standards and child rights, notably whether begging is practised by *talibé*).

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<sup>26</sup> Committee on the Rights of the Child, General Comment 1 on the aims of education, CRC/GC/2001/1, 17 April 2001, para. 9.

<sup>27</sup> *Ibid.*

30. The Islamic Development Bank has agreed funding of 5 billion CFA (US\$10,172,121) to establish 32 private and 32 public *daaras* that will uphold the standards set by the law. 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*. These have not yet been established, but the aim is that these *daaras* will have such high standards (with school canteens and highly qualified Koranic teachers, capable of teaching other subjects) that parents will be encouraged to send their children to these *daaras*, rather than *daaras* that have difficulty in providing for children.
31. In 2008, a ‘Daara Inspectorate’ was set up in the Ministry of Education to lead the *daara* reform programme and integrate *daaras* into the State education system. The ‘Daara Inspectorate’ elaborated a number of regulatory texts that formed the basis for the *daara* law, which is currently undergoing a process of consultation before being submitted to the Council of Ministers and National Assembly for adoption. With this in mind, the above-named organisations reiterate that the State of Senegal should accelerate the *daara* reform programme without delay.
32. Daara Serigne Gaye is typical of the relatively few so-called ‘modern *daaras*’ that already exist in Senegal today. It is located in Dakar, and like many ‘modern *daaras*’ established prior to the Government’s *daara* reform programme, it is financed primarily by charitable contributions and fees paid by parents. It was established in 2001 and offers both boys and girls schooling in the Koran, Arabic and French. There are currently 64 children at the *daara*, aged between six and 13 years old. About half of them board at the school with the remaining children returning home to their families every evening. The children who board see their families about once a fortnight. The school provides three meals a day for the children. None of the children are sent out to beg. Souleymane<sup>29</sup> is a boy of eight years old and has been in the *daara* for three years. He is happy there. His favourite lesson is studying the Koran. Above all, he likes the atmosphere, which is like “a family.” He enjoys a good relationship with the teachers: “they are understanding, polite, they help us to understand the lessons.” Demba<sup>30</sup> is 13 years old and returns home every day after school. His favourite thing about the *daara* is all the friends he has made there. He likes the teachers too, “because they respect us.” Both boys want to be policemen when they grow up.<sup>31</sup>

### **Recommendations:**

- (i) The Government should increase the funds available for the *daara* reform programme to ensure that the process of mapping, monitoring and regulating all *daaras* nationwide can start as soon as possible. It should accelerate the

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<sup>29</sup> Name has been changed.

<sup>30</sup> Name has been changed.

<sup>31</sup> Souleymane and Demba were interviewed during a visit to Daara Serigne Gaye, 30 September 2011.

passage of the regulatory framework into law, and prepare detailed plans with costings for the roll-out of the programme nationwide, and engage with bilateral and multilateral agencies for additional funding and technical assistance. The programme must launch an awareness-raising campaign; train *daara* inspectors in child protection and child rights standards (with a focus on ascertaining whether begging is practised); establish public and community *daaras* in rural areas where most *talibés* originate and transit, notably in those locations where sensitisation of local populations and religious leaders is already underway; analyse information gathered by inspections, assist *daaras* that are up to standard and close those exploiting children, based on the information available.

- (ii) In line with its obligations under Article 29 (1), the State of Senegal must implement a harmonised curriculum as part of its *daara* reform programme, covering a wider range of subjects, including national languages, French and maths as well as learning the Koran.

## **SECTION 5: VIOLENCE AGAINST CHILDREN**

33. *Talibés* are forced to beg and often have to meet financial ‘quotas’ through the use of persistent 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. Many children reportedly face sexual abuse as well. This situation violates Senegal’s obligations under the Convention on a number of levels. Firstly, under Article 28 (2) of the Convention, Senegal has an obligation to ensure that school discipline is “administered in a manner consistent with the child’s human dignity and in conformity with the present Convention”.<sup>32</sup> In this regard, in its General Comment 1 on the aims of education, the Committee has made clear that “the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline.”<sup>33</sup>

34. Secondly, there is an obligation on State parties to undertake due diligence and prevent violence against children by taking “all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.<sup>34</sup> This includes “the obligation to investigate and to punish those responsible, and the obligation to provide access to redress for human rights violations”.<sup>35</sup> And finally, the fact that children fleeing corporal punishment often end up living on the streets violates Senegal’s obligation to

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<sup>32</sup> CRC, Article 28 (2).

<sup>33</sup> Committee on the Rights of the Child, *Supra* n. 26, para. 8.

<sup>34</sup> CRC, Article 19.

<sup>35</sup> Committee on the Rights of the Child, General Comment 13 on the right of the child to freedom from all forms of violence, CRC/C/GC/13, 18 April 2011, para 5.

take all appropriate measures to promote physical and psychological recovery and social integration of a child victim of any form of neglect, exploitation or abuse.<sup>36</sup>

35. The violations typically suffered by *talibés* have been widely documented over the years. The US Department of State's 2012 *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.<sup>37</sup> The two Koranic leaders were subsequently charged with child abuse. However, as mentioned above, they were not charged with any offences relating to trafficking or forcing the children to beg.<sup>38</sup>

### **Recommendations**

- (i) The State of Senegal should 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.

## **SECTION 7: DISABILITY, BASIC HEALTH AND WELFARE**

36. *Talibés* live in crowded and unhygienic conditions. The previous 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."<sup>39</sup> *Talibés* are impoverished, vulnerable to disease and poor nutrition, and subject to poor learning and living conditions.

37. According to Article 27 (3) of the Convention, State Parties should take appropriate measures within their means to assist those responsible for children in implementing the right to an adequate standard of living for the child's physical, mental, spiritual, moral and social development.<sup>40</sup> Furthermore, in accordance with Article 24 (1) and (2) (c) of the Convention, Senegal is obligated to recognise the right of the child to the enjoyment of the highest attainable standard of health, including by combatting disease and malnutrition.<sup>41</sup>

### **Recommendations:**

- (i) The State of Senegal should remove *talibés* from schools in which their right to an adequate standard of living and their right to the highest attainable standard of health are violated. Strenuous efforts must be made to locate their

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<sup>36</sup> CRC, Article 39.

<sup>37</sup> US Department of State, *Supra* n. 25, p. 303.

<sup>38</sup> *Ibid.*

<sup>39</sup> Report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography, *Supra* n. 19, p. 15, para. 86

<sup>40</sup> CRC, Article 27 (3).

<sup>41</sup> CRC, Article 24 (1) and (2) (c).

families and return them to, and reintegrate them in, their communities of origin.

## **CONCLUSION**

38. *Talibés* who are forced to beg work long hours, receive little or no pay, experience persistent physical abuse and other forms of threats and coercion, and are separated from their families for long periods in crowded and unhygienic conditions. Poverty lies at the heart of forced child begging, alongside causes such as lack of access to State education and parents' wishes for their children to learn the Koran. However, the only options for a Koranic education currently usually fall outside the formal and regulated education sector. While religious culture is sometimes used to justify forced begging, sending *talibés* out to beg seems to be more a reflection of prevailing economic conditions than an inevitable or intrinsic part of Koranic teaching in Senegal.
39. 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 *daara* reform programme. The current Government of Senegal, elected in March 2012, has stated its commitment to *daara* reformation 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 *daara* reform programme now need to be advanced urgently by the new Government.

## **RECOMMENDATIONS**

40. Pursuant to the information provided in this report, Anti-Slavery International and RADDHO urge the Committee members to highlight the following in their recommendations to Senegal:
- i Ensure that local State schools provide free quality primary and secondary education, in order to facilitate equal access to education for children of low-income and rural families. To this end, *daaras* must be integrated as a sub-sector in the Programme to Improve the Quality, Equity and Transparency of Basic Education (PAQUEB), the new programme adopted by the Senegalese government after evaluation of its Ten-Year Education and Training Programme;
  - ii Accelerate the process of adopting and implementing legislation to reform and regulate *daaras*, and create improved, public and community *daaras*. The State must ensure that begging is not practised at any *daara*; that the curriculum is diversified beyond Koranic memorisation; and that child protection standards and child rights are upheld. The State must ensure that the reform and regulation process has strong public support, and as such must engage in awareness-raising, consultations, and collaborative work with

communities, civil society organisations, religious leaders and local authorities to implement its programme;

- iii Develop strategies to prevent forced child begging and exploitation in *daaras* 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;
- iv The State of Senegal should 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 ILO Convention No.182;
- v The State of Senegal should pass the *daara* law without further delay. Considering the ambiguity arising from the laws and regulations in place – namely the apparent contradiction between the Law No. 2005-6 and section 245 of the penal code – the *daara* law should explicitly list the penalties in place under Senegalese law for subjecting children to forced begging;
- vi The State of Senegal must ensure the enforcement of existing laws related to forced child begging once the new regulation programme is operational. To this end, the State should provide training for the local authorities, *daara* inspectors, police and other officials who may come into contact with *talibé* on the national legislation relating to forced child begging and child protection issues. Koranic masters who exploit children in this way must be prosecuted and subject to sentences that are commensurate with the crime, and are enforced;
- vii The State must also develop alternative strategies for assisting people to give to those in need, for example, by establishing collection points to facilitate the organised collection and distribution of alms;
- viii The Government should increase the funds available for the *daara* reform programme to ensure that the process of mapping, monitoring and regulating all *daaras* nationwide can start as soon as possible. To this end, it should accelerate the passage of the regulatory framework into law, and prepare detailed plans with costings for the roll-out of the programme nationwide, and engage with bilateral and multilateral agencies for additional funding and technical assistance. The programme must launch an awareness-raising campaign; train *daara* inspectors in child protection and child rights standards (with a focus on ascertaining whether begging is practised); establish State *daaras* in rural areas where most *talibés* originate and transit, notably in those locations where sensitisation of local populations and religious leaders is already underway; analyse information gathered by inspections, assist *daaras* that meet the standards outlined in the *daara* law and close those exploiting children, based on the information available;
- ix In line with its obligations under Article 29 (1), the State of Senegal must implement a harmonised curriculum as part of its *daara* reform programme,



covering a wider range of subjects, including national languages, French and maths as well as learning the Koran;

- x The State of Senegal should 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;
- xi The State of Senegal should remove talibés from schools in which their right to an adequate standard of living and their right to the highest attainable standard of health are violated. Strenuous efforts must be made to locate their families and return them to, and reintegrate them in, their communities of origin.