

SENEGAL: First steps taken to eradicate forced child begging in Quranic schools

Summary

A committee of African human rights experts agreed that Senegal must work to stop children in Quranic schools being forced to beg for food and money. A pair of students in South Africa prepared a complaint on behalf of the exploited children and the committee laid out a series of steps for Senegal to take to improve the situation.

Background

“I think the idea of making children beg for money is very evil.”

This is the view of Ashwanee Budoo, a postgraduate student at the [Centre for Human Rights](#), a legal clinic based at the University of Pretoria’s Faculty of Law in South Africa.

Budoo co-authored a complaint to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the abuse of Senegalese children sent to learn in Quranic schools as part of a project highlighting and addressing children’s rights abuses in Africa through legal advocacy.

After learning about the problem from her supervisor and reading reports on the scale and nature of the abuse she decided to take action on behalf of the children.

Although she knew there were huge problems with children’ rights elsewhere in Africa, Budoo explained that Senegal, as a relatively stable country, would be more likely to take heed of the Committee’s decisions and make a change than one currently engulfed in

conflict.

The complaint came in 2012, seven years after Senegal adopted a law prohibiting forced begging and trafficking and six years after the UN Committee on the Rights of the Child [expressed concerns](#) about the increasing number of children being made to beg for their livelihoods.

In 2012 it was estimated that as many as 100,000 *talibés*, the name given to students in Quranic schools in the country, are consigned to a miserable existence of begging and beatings meted out by their teachers and guardians, known as *marabouts*.

Usually aged between four and 12 years old, these children endure physical punishments and a lack of food, are forced to share packed living quarters and are frequently left without medicine if they are sick or injured.

In 2013 several children were reportedly [killed by cars while begging](#) and in 2013 [nine talibés burned to death](#) after 45 children were left in a single wooden room that caught fire.

After the deaths human rights groups described the suffering of talibés as a blind spot in Senegalese society and slammed police and the legal system for not doing more to protect them.

A 2010 report by Human Rights Watch, titled [“Off the Backs of Children: Forced Begging and Other Abuses Against Talibés in Senegal”](#), highlighted the scale of the exploitation and the physical, sexual and psychological abuse that many of the children were subjected to.

The practice of parents sending their children to Quranic schools, known as *daraas*, has existed for hundreds of years.

Since the 1980s more and more urban *daraas* began staying open all year, rather than closing for the harvest season, leading to economic exploitation of children on a truly massive scale.

Boys studying under marabouts are pressed into begging to pay, feed and clothe their instructors, often under the guise of teaching the children important lessons about poverty and humility.

Most of the children spend their day pleading for donations of food and money to avoid the punishments doled out if they do not meet their quotas. The remainder of their time is spent sleeping or learning the Quran, when their marabout is willing to teach them.

Problems with prosecuting marabouts

Senegal's 1965 Penal Code criminalises forced child begging and prescribes three to six-month prison sentences for anyone who allows a child to beg on their behalf.

Another law, introduced to combat human trafficking in 2005, also sets five to 10-year jail sentences and a fine equivalent to more than £20,000 for a person forcing a child to beg. Despite these seemingly tough regulations, these kinds of punishments are rarely handed down.

Due to the social and religious standing of the marabouts as Islamic teachers in a country where [94 percent of the population](#) are Muslims, police, lawyers and judges are often hesitant to move against them.

"Marabouts have rarely been sentenced," explained Budoo, "The most they have gotten is about one month in prison which is really not proportionate for what they have done.

"It's because [of] the whole dynamic of the society where they respect the traditional leaders. For them to sentence a marabout is often seen as going against their religion."

Because of this, domestic efforts to curb marabouts' use of children for profit have often fallen short. The Centre for Human Rights chose to submit a complaint to the ACERWC to get the issue taken more seriously in Senegal and in west Africa.

Bringing the case to the Committee

The complaint from the Centre for Human Rights to the ACERWC was sent in 2012 after seven months of research, writing and fact-checking by Budoo, fellow student Melanie Smuts and their supervisor Jegede Ademola.

In order for their complaint to be heard by the ACERWC the team knew they would have to prove that the issue warranted attention at a higher level than local courts and sought firsthand information about the way that cases involving talibés were being treated nationally.

The scale of the problem meant that bringing individual cases in the Senegalese courts would have little impact. Each child would need to be represented by either their parents or the State under Senegalese law, but most parents whose children run away from daraas send them back, unaware of the dire conditions they live in.

As well as citing information from reports written by NGOs in the country, the team built a network of contacts on the ground in Senegal and contacted national organisations which they thought would support the complaint.

Budoo recalled: “One of the challenges we faced was that at first it was just the Centre for Human Rights v Senegal. We partnered with RADDHO (*La Rencontre Africaine pour la Defense des Droits de L'Homme* or African Assembly for the Defence of Human Rights) and they helped us to do interviews.

“We needed firsthand information and it was very important for us to establish why we couldn’t go through local courts, and had to go through the African Committee.”

In a pair of interviews conducted by RADDHO, and included in the complaint to the ACERWC, it was noted how afraid and cautious the children were when approached to speak about their lives, highlighting the importance of having a partner on the ground in cases involving children.

The complaint alleged that the government of Senegal failed to protect thousands of children from abuse while they studied in daraas. It also pointed out that there are often no alternatives for children who escape daaras other than to live on the streets.

They claimed that the State was guilty of numerous violations of the African Charter on the Rights and Welfare of the Child (or African Children’s Charter), including failing to prevent child labour, not protecting the children against harmful social and cultural practices, depriving them of an education and endangering their survival.

They also added that existing efforts to stop child begging had been uncoordinated and ineffective, with the lack of cases brought against abusive marabouts proving that anti-trafficking and anti-begging laws were not being applied.

In July 2012 the complaint was sent, and in April 2013 the Committee declared it admissible. The case was heard on its merits in April 2014 where both a representative of the Centre for Human Rights and a delegate of the Senegalese government were present.

The delegate responded to criticism by explaining the action the Senegalese government was taking and the improvements that had already been made across the country.

Despite their defence, the Senegalese representative accepted that much more needed to be done and it came as little surprise to both sides when [the ACERWC decided](#) in favour of the Centre for Human Rights.

Outcome

The Committee agreed that Senegal violated all of the articles of the African Children's Charter mentioned in the Centre's complaint except for Article 12 on the right to leisure, recreation and cultural activities.

As a result it issued a list of recommendations to the government of Senegal that include assisting former talibés with their psychological and physical recovery; regulating, modernising and mapping daraas; and providing the ACERWC with information on progress made towards improving the lives of talibés.

The recommendations also suggest increasing cooperation with nearby countries to determine how many children are brought into Senegal's daraas from abroad, and tackling the culture of impunity that surrounds forcing children to beg.

Responding to the recommendations, the Senegalese government said that it had a number of initiatives in place and put a high priority on protection of children.

[Their statement](#) added: "The governmental authorities condemn the phenomenon of the exploitation of children through begging and reaffirm their entire willingness to implement

national and international measures, aiming at responding to the needs of the protection of street children, so that their vulnerability can be considerably reduced.”

Impact

Since the complaint was lodged the Senegalese government has taken some small steps to improve the plight of talibés, including committing to reviewing the [National Strategy on Social Protection](#) in 2015.

The Centre for Human Rights believes that many of the steps promised did not fully materialise and wrote in its [summary of the case](#) that the situation for most talibés is still broadly the same.

Reporting on the situation of human trafficking in Senegal after the ACERWC decision the US State Department [laid out the steps](#) the government had taken to end forced child begging.

The State Department reported that the Senegalese government carried out an awareness campaign on the issue of forced begging in 2014 but slashed the budget of its national taskforce on human trafficking from \$100,000 to \$50,000 in the same year.

In addition to this, the design of a database to map *daaras* in Dakar was completed in January 2015 but it remains unclear how much it will be used, or by whom.

Finally the country’s Ministry of Education drafted legislation to modernise and regulate *daaras* but the Bill had not yet been approved by Parliament.

The report also added that while around 70 percent of Senegal’s economy operated in the informal sector, where most forced child labour occurred, there was no evidence that the Ministry of Labour had made any efforts to regulate it.

Budoo explained that the Centre’s work was only a first step, and that other people should investigate where they could bring pressure to bear by using bodies like the ACERWC.

She added: “The talibés case was very interesting because the international community were not very aware of it. There was a report by Human Rights Watch but it wasn’t too much in the news and people weren’t really paying attention to it.

“Sometimes you have a problem, but you don’t want to see it until the international community brings it to your attention.”

In 2014, a group of 40 Senegalese organisations banded together to form the Platform for the Promotion and Protection of Human Rights (PPDH).

The group formed after a census of daraas that year revealed that 30,000 boys are still forced to beg in the streets of Senegal’s capital every day.

In April 2015 the president of the PPDH Mamadou Wane told Human Rights Watch that a change had to come soon.

He said: “Over the last decade, tens of thousands of children have been exploited in the name of education, beaten by their so-called teachers, and subjected to horrific conditions in schools that have no business operating.

“The message government is sending, by its failure to investigate and prosecute the people behind these abuses, is that the lives of these children are not worth protecting.”

Further information

- Read CRIN’s case summary of [Centre for Human Rights, University of Pretoria and La Rencontre Africaine pour la Defense des Droits de L’Homme v. Senegal](#)
- Find out more about [strategic litigation](#)
- See CRIN’s country page on [Senegal](#)
- Read CRIN’s report on [access to justice for children in Senegal](#)

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