

June 28, 2010

Mr. Abdoulaye Wade  
President of the Republic of Senegal  
Dakar

Dear President Wade,

We, the undersigned 23 human rights and humanitarian organizations working in Senegal and the sub-region of West Africa, demand collectively that immediate and concerted measures be taken to protect the rights of tens of thousands of begging children who are exploited and mistreated in Senegal.

Many of our organizations have documented the manner in which these children – who are commonly called “talibés” and are under the control of imposters and some marabouts in centers of exploitation and in some daaras – are forced to beg on the streets for long hours and are beaten, often brutally, when they fail to return with the demanded daily quota. The boys, the vast majority of whom are less than 12 years old, have described to us how they were chained or bound and beaten until they had open wounds. The marks from these abuses are forever left on their flesh and their souls. The health workers among us have treated their injuries from beatings as well as the numerous illnesses they suffer resulting from lacking sanitation and food. The psychologists and mental health workers among us can attest to the psychological toll from being forced to beg. The regular exposure to the dangers of the street is the source of many other, hidden wounds. Though they often bring back significant sums of money, rice, and sugar to their teacher, the sanitary, physical, and psychological situation for many of these “talibé” children remains extremely precarious; these inhumane conditions are indeed a form of modern slavery.

This system of child exploitation is also a growth industry in Senegal – the number of begging children has significantly increased during the last decade in a number of cities where our organizations operate. The widespread abuse in these exploitative centers and some daaras, run by imposters claiming to be marabouts, has likewise contributed to the number of children permanently on the street, as more than one thousand young boys run away from their daaras each year without the ability to return home to their families.

The deplorable living conditions for the young boys in these centers of exploitation contradict national law as well as Senegal’s responsibilities under international conventions to which it is party, including the Convention on the Rights of the Child, the African Charter on the Rights and Well-Being of the Child, and the Palermo Protocol concerning trafficking in persons. These abuses violate the most fundamental children’s rights – the right to protection from violence, both physical and mental, and from cruel, inhumane, or degrading treatment; the right to protection from the worst forms of child labor; the right to food and health; the right to physical and mental development; and the right to education. Those that treat children in this manner are likewise in conflict with article 298 of Senegal’s Penal Code. However, despite the adoption of Law No. 2005-06 of May 10, 2005, related to trafficking in persons and similar practices, as well as the widespread and open nature of these crimes, the law has only been applied in the rarest of circumstances.

While thousands of Quranic teachers in Senegal take seriously their responsibility to teach and to form children in their care with religious and moral values, the number of exploitative centers and daaras unfortunately continues to rise. A number of successful daaras – including

traditional and modern daaras in cities and villages – offer a model that the state should simply develop and support, both to provide a high-level religious education that conforms to basic children’s rights and to end the brazen economic exploitation of those who operate under false pretenses.

Religious leaders of the highest authority in Senegal as well as Islamic academics have repeatedly stated that begging and other abuses committed against these children are in conflict with the teachings of Islam. They have asked, in public as well as in private discussions with our organizations, that the Senegalese authorities focus efforts with a view to eliminating these “faux-marabouts” who exploit children. Our organizations recognize that the solution to this widespread problem requires civil society, religious leaders, communities, and families to take effective action against these imposters. However, government action is essential in our view. In fact, the state is the only authority with the power to completely end the abuse and exploitation discussed above. It therefore must be ready to publicly defend its children’s rights and to take all necessary action to protect these boys from abuse and exploitation.

We salute the efforts made to present by the state. We are particularly encouraged by the Senegalese government’s decision to introduce religious education in public schools as well as the initiative to create modern daaras. Similarly, we salute the creation of the Daara Inspectorate, which, we hope, will harmonize the curriculum, refine pedagogical standards, and regulate the conditions for opening and managing a daara. We support the Project on the Fight against Trafficking and the Worst Forms of Child Labor, which will work for the return of daaras to their places of origin. However, despite these efforts by the Senegalese government, the problem continues to worsen throughout the country.

As a result, we ask the government of Senegal to take the following concrete steps:

- Publicly declare that the state privileges that a child, for the development of his person, grows up in a family environment.
- Take concrete action to increase access to public and religious education in villages, in order to better guarantee that children remain with their family.
- Require all daaras to be registered and inspected regularly, in conformity with other educational establishments in Senegal.
  - Standards should be immediately formulated in collaboration with Islamic authorities and civil society, most notably in order to regulate: minimum living and sanitary conditions; qualifications for opening a residential daara; a ban on forced begging and physical abuse; minimum hours of study; a curriculum that promotes and develops the child’s talent and allows him to maximize his potential, whether in the daara itself or in combination with other school establishments; required registration of each daara, so that each will be inspected by the state to ensure that it either conforms to the pre-established regulations or is closed if it fails in this regard.
  - In order to apply these regulations, the state should increase the capacity and mandate of the Daara Inspectorate, giving it the power to sanction or close daaras that do not respect the standards protecting the best interests of the child. The inspectors should be trained in the protection of children’s rights.

- Apply relevant national legislation against serious physical abuse, trafficking in persons, and forced begging, in particular article 298 of the Penal Code and Law No. 2005-06, and make the necessary legislative modifications in order to permit a true ban on child begging and severe corporal punishment. We invite the state to:
  - Modify Law No. 2005-06 so that:
    - (a) begging within the meaning of article 3 is punished independent of the will to exact a profit or the existence of said profit, when this begging involves the use of children. The organization of child begging should be banned, whatever form it takes and notwithstanding any profits nor a will to exact profit; and
    - (b) the range of permissible sanctions is extended to include lesser penalties, in order to better apportion the penalties with the gravity of the crime.
  - Modify article 245 of the Penal Code in order to ban child begging without exception. The subject of this provision, which authorizes begging in places and conditions related to religious tradition, should be abolished for the organization of child begging. It must be clear that the law should sanction only those that organize or exploit children through begging, and not the children themselves.
  - Provide clear directives to law enforcement (the police and gendarmes) and prosecutors to proactively investigate abuse and exploitation of children.
  - Direct law enforcement personnel and prosecutors to concentrate their efforts against the worst forms of abuse and exploitation, whose perpetrators can be determined through simple interviews with the children concerned.
  - Reinforce the capacity of the police and juvenile police to intervene, notably by increasing staffing and equipment, in order to better apply existing laws against forced begging and physical abuse of children.
  - Provide adequate training to the police on methods of interviewing children, in order to protect and assist victims of severe physical and psychological trauma, including sexual abuse.
  - Consider creating a special victims unit within the police that can concentrate on the trafficking in persons and other crimes against vulnerable populations, including children.
- Improve collaboration with neighboring governments, in particular the government of Guinea-Bissau, to deter the illegal cross-border movement and trafficking of children into Senegal, notably through joint training for police and border officials. Engage in discussions with neighboring governments with the goal of signing bilateral and regional agreements to:
  - formally harmonize the legal definition of child trafficking;
  - coordinate strategies to deter the trafficking of children; and
  - facilitate the return to neighboring countries of children who have been victims of trafficking, and ensure that the return is in accordance with minimum standards of care and supervision.

- Collaborate with religious leaders, traditional leaders, and civil society to sensitize communities on children's rights under national and international law, as well as in Islam.

A number of our organizations have worked to protect children's rights in Senegal and the sub-region for more than a decade. And yet, we continue to see a rise in the number of begging children on the streets in large cities. It is time to stop deflecting responsibility and pretending that the issues of forced begging and severe physical and psychological abuse are too sensitive to be effectively addressed. The history of Quranic education in Senegal clearly shows that the traditional practice of collecting meals from a family in the community does not resemble the modern reality and the demands imposed in centers of exploitation and in some daaras. These are run more like for-profit businesses, with a daily quota of money, rice, and sugar – none of which benefits the child.

We fully recognize the importance and role of Quranic education, and none of the above recommendations represents a threat to those teachers who concern themselves with the religious education and well-being of children in their care. We demand only that the necessary concrete measures be taken to end the widespread exploitation and mistreatment of children and to ensure that these children have the possibility to develop their physical and mental skills for a productive life. We stand ready to support you in your efforts to end the violations of these children's rights and to ensure accountability for those that inflict this abuse.

We look forward to the opportunity to discuss these issues with you at your earliest convenience, and we appreciate your engagement up to present as well as your future collaboration.

Yours sincerely,

The undersigned human rights and humanitarian organizations working in Senegal and the sub-region

Senegalese Organizations

Association des Juristes Sénégalaises (AJS)

C.A.I.N.T.

Club Soxna Femme

Empire des Enfants

Forum for African Women Educationalists (FAWE) – Sénégal

Intermondes

La Liane

La Lumière

Le Learning Centre pour l'enfance et la jeunesse en Afrique de l'Ouest et du Centre

Maison de la Gare

Partenariat pour le retrait et la réinsertion des enfants de la rue (PARRER)

RADDHO

Suer pour Servir

SOS Talibés

Vivre Ensemble Madésahel

Bissau-Guinean Organizations

Associação dos Amigos da Criança  
SOS Crianças Talibés

International Organizations

Amnesty International Senegal  
Human Rights Watch  
ONG Sentinelles  
Save the Children Sweden – Senegal  
Sustainable Development Group International (SDGI)  
World Vision – Senegal

CC :

- Ms. Ramatoulaye Ndao Diouf, Coordinator of the Child Protection Support Unit (*Cellule d'appui à la protection des enfants, Cape*)
- Mr. Souleymane Ndéné Ndiaye, Prime Minister
- Mr. Cheikh Tidiane Sy, Minister of Justice
- Mr. Kalidou Diallo, Minister of Education
- Ms. Ndèye Khady Diop, Minister of Family, Food Security, Women's Entrepreneurship, Microfinance, and Young Childhood
- Mr. Bécaye Diop, Minister of Interior
- Mr. Moustapha Guirassy, Minister of Communication and Government Spokesperson
- Mr. Madické Niang, Minister of Foreign Affairs
- Mr. Faustin Diatta, Minister of Social Affairs and Institutional Relations
- Mr. Pape Diop, President of the Senate
- Mr. Samba Diop, Senator and President of the Committee on Laws, Decentralization, Labor, and Human Rights
- Ms. Marie José Varre, Senator and President of the Committee on Education, Youth, Sports, and Leisure
- Mr. Mamadou Seck, President of the National Assembly
- Ms. Aïda Mbodj, Fourth Vice-President of the National Assembly
- Dr. Oumar Ndoye, Coordinator of the Network of Parliamentarians for the Protection of Children against Abuse and Violence (*Réseau des Parlementaires pour la protection des enfants contre les abus et violences, Peva*)
- Mr. Mamadou Bassirou Kébé, Coordinator of the Project on the Fight against Trafficking and the Worst Forms of Child Labor (*Projet de lutte contre la traite et les pires formes de travail des enfants*)
- Ms. Nafissatou Sar Sow, Head of the Directorate for the Protection of Children's Rights, Ministry of Family
- Mr. Moustapha Lo, Head of the National network of daaras in Senegal (*Collectif national des daaras du Sénégal*)