



“THESE CHILDREN DON’T BELONG IN THE STREETS”

A Roadmap for Ending Exploitation, Abuse of Talibés in Senegal

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WATCH





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Map: Locations of Research in Senegal



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Terminology

Quranic students	
<i>Talibé</i>	A “disciple” or student of the Quran. <i>Talibés</i> can be adults or children of any age, but the vast majority in Senegal are boys between the ages of 5 and 15, particularly those living at residential <i>daaras</i> . Some <i>talibé</i> children live with family and attend Quranic schools during the day. Most female <i>talibés</i> are day students that do not live at the Quranic schools.
<i>Grand talibé</i>	An older <i>talibé</i> , typically age 17 and above, who often serves as the Quranic teacher’s assistant. Sometimes called a “young <i>marabout</i> .”
Quranic schools	
<i>Daara</i>	Used interchangeably with “Quranic school” to refer to the traditional Muslim schools in which <i>talibé</i> children study and sometimes live. Many are lodged in teachers’ homes or in abandoned or unfinished buildings; some operate from newer buildings with classrooms. Depending on the facilities and <i>marabout’s</i> repute, <i>daaras</i> can host from less than a dozen to hundreds or thousands of <i>talibés</i> . Most <i>daaras</i> remain unregulated.
Modern <i>daara</i>	A Quranic school that meets health and safety standards set by the government, does not practice child begging, and integrates additional subjects into its curriculum (French, math, sciences, etc.).
Quranic teachers	
<i>Marabout</i>	Used interchangeably with “Quranic teacher” in this report, reflected common parlance in Senegal, though it should be noted that some Quranic teachers do not consider themselves <i>marabouts</i> (which traditionally refers to Muslim leaders, teachers or holy men).
Community Volunteers	
<i>Ndeye daara</i>	A woman who serves as a community volunteer supporting a <i>daara</i> by providing food or other assistance to several <i>talibé</i> children.
Government	
<i>Retrait / Retrait de la rue</i>	Short for the Senegalese government program, launched in 2016, known in Senegal in French as <i>le retrait des enfants de la rue</i> (the “removal of children from the streets”).
Child Protection Ministry	Ministry of Good Governance and Child Protection (created late 2017, dissolved early 2019).
Family Ministry	Ministry of Women, Family, Gender and Child Protection (created early 2019).

Acronyms

AEMO	“Non-Institutional Educational Action” (<i>Action éducative en milieu ouvert</i>) – social services, child protection and legal assistance agency under the Directorate of Correctional Education and Social Protection in the Justice Ministry; AEMO services are installed in each regional or departmental court.
CCPE	Municipal Child Protection Committee (<i>Comité Communal de Protection de l’Enfant</i>)
CDPE	Departmental Child Protection Committee (<i>Comité Départemental de Protection de l’Enfant</i>)
CMU	“Universal Illness Health Cover” government program (<i>Couverture Maladie Universelle</i>)
CP	Multipurpose Center (<i>Centre Polyvalent</i>) – state-run children’s shelter intended for longer stays, with trainings or apprenticeships.
CPA	Center of First Reception (<i>Centre de Premier Accueil</i>) – state-run children’s shelter intended for emergency and short-term cases.
CQPE	District Child Protection Committee (<i>Comité de Quartier de Protection de l’Enfant</i>)
CVPE	Village Child Protection Committee (<i>Comité Villageois de Protection de l’Enfant</i>)
DESPS	Directorate of Correctional Education and Social Protection (<i>Direction de l’Éducation surveillée et de la Protection sociale</i>), under the Justice Ministry – manages AEMO services and state-run children’s centers including CPAs and CPs.
DPDPE	(new) Directorate for the Promotion of Children’s Rights and Child Protection (<i>Direction de la Promotion des Droits et de la Protection des Enfants</i>), under the Ministry of Women, Family, Gender and Child Protection
DPE	(former) Child Protection Directorate (<i>Direction de la Protection de l’Enfance</i>), under the former Ministry of Good Governance and Child Protection
ECOWAS	Economic Community of West African States
OGP	Temporary Custody Order (<i>Ordonnance de Garde Provisoire</i>) for a child, issued by juvenile courts.

PAMOD	The “Daara Modernization Support Project” (<i>Projet d’appui à la modernisation des daaras</i>), run by the Islamic Development Bank and the Senegalese government.
PAQEEB	“Quality Improvement and Equity in Basic Education Project” (<i>Projet d’Appui à la qualité et à l’équité dans l’éducation de base</i>), run by the World Bank and the Senegalese government.
PPDH	Platform for the Promotion and Protection of Human Rights (<i>Plateforme pour la Promotion et la Protection des Droits Humains</i>) – Senegalese coalition of human rights and child protection groups.
WAN	West Africa Network for the Protection of Children – a transnational network of governments and non-governmental organizations, recognized by ECOWAS as the referral mechanism for the protection of children on the move in West Africa.

Summary

“Everyone knows there is enormous suffering for talibé children in certain daaras. It’s time for the government to take concrete action to protect talibé children and end the abuse.”

– Mamadou Wane, president, Platform for the Promotion and Protection of Human Rights (PPDH), Senegal, June 2018

“If abuse occurs in the daara, talibés often prefer to stay in the street rather than return to a daara where they are always beaten, mistreated, with no freedom, no rights... or it’s the marabout who sends them out begging and exploits them... I always say, and I maintain this position: these children don’t belong in the streets.”

– Social worker, Mbour, Senegal, December 2018

For over a decade, Senegalese and international journalists, human rights advocates, and child protection experts have documented and denounced the ongoing exploitation, abuse and neglect of children living in many of Senegal’s traditional Quranic schools, or *daaras*. Thousands of these children, known as *talibés*, continue to live in conditions of extreme squalor, deprived of adequate food and medical care.

Human Rights Watch research indicates that an estimated 100,000 *talibé* children living in residential *daaras* across Senegal are forced by hundreds of Quranic teachers, or *marabouts*, to beg daily for money, food, rice or sugar. Some force the children to beg for set quotas of money, enforced by often-severe beatings. This is in contrast to the many other Quranic teachers who respect the rights of the children in their care.

President Macky Sall, re-elected in February 2019 to a second term, has since 2016 promised to end child begging and “remove children from the streets,” reiterating in May 2019 his intention to “definitively resolve the problem of children in the street.” However, by late 2019, this rhetoric had not yet been accompanied by consistent, decisive and far-reaching action to protect *talibés* from abuse and exploitation across the country and deter further violations.



A painting on the wall of a children's day center run by the NGO Enda Jeunesse Action in Dakar, June 21, 2018. The text reads, in French, "No to child begging." © 2018 Enda Jeunesse Action – Centre de Jour

This report examines Senegal's policy, programmatic and judicial efforts from 2017 to 2019 to protect *talibé* children from abuse, neglect and trafficking, bring those responsible to justice, and improve conditions in *daaras*. It makes recommendations on steps the new government should take to better protect *talibé* children and bring about lasting change.

The report is based on 10 weeks of field research in Senegal between June 2018 and January 2019, phone interviews between May 2018 and November 2019, and information drawn from credible secondary sources, including court documents and media reports. Human Rights Watch traveled to the cities of Dakar, Saint-Louis, Diourbel,

Touba, Mbacke, Louga and Coki and interviewed more than 150 people over the course of this research, which builds on previous research conducted since 2009.

Abuse, Neglect, Trafficking

Human Rights Watch has reported on serious abuses committed against *talibé* children since 2009. A June 2019 report documented dozens of abuses in 2017 and 2018 allegedly committed by Quranic teachers or their assistants in eight of Senegal's 14 administrative regions. These included 16 *talibé* deaths due to abuse or neglect, as well as dozens of cases of beatings, sexual abuse, and children chained or imprisoned in *daaras*.

The report also documented numerous forms of neglect and endangerment threatening *talibés'* health and safety. Long hours on the streets begging put *talibés* at risk for car accidents and assault. Due to the lack of food and medical care at many *daaras*,

talibés often suffer from malnutrition or untreated illnesses, in some cases leading to child deaths. Others have been injured or killed in *daara* fires when the *marabout* was absent. Finally, the report documented forced begging, trafficking, and problems related to *talibé* migration, including illicit transport of groups of *talibés* across regions or country borders; cases of *talibés* abandoned by their *marabouts* or parents; and the hundreds of children who end up in the streets or in shelters each year after fleeing abusive *daaras*.

Government Efforts Fall Short

While the Senegalese government made efforts to expand its child protection interventions in recent years, inconsistencies in programming and the limited reach of justice have failed to protect *talibés* from abuse and deter forced child begging on a wider scale.

Between 2017 and 2019, authorities launched the second phase of the program to “remove children from the streets” in Dakar and announced plans for a third phase; provided social assistance to some *daaras* and *talibés*; and constructed several public “modern *daaras*.” The long-awaited law on the status of *daaras*, first drafted in 2013 and subject to years of revision, was finally validated in June 2018 by the Council of Ministers; but at time of writing, it had not been brought to a vote before the National Assembly.

However, a number of other challenges have undercut efforts to fight child begging, regulate *daaras*, protect *talibé* children from abuse, and ensure justice.

Efforts to Fight Child Begging and Regulate Daaras

The government attempted to address child begging in recent years by sending police and social workers into the streets to “remove” children. However, these initiatives remained superficial and limited to Dakar, with several shortcomings – notably the failure to address root causes or incorporate deterrence by way of prosecutions – preventing widespread or durable impact.

The first phase of one of these initiatives, a program known as the “removal of children from the streets” (in French, *le retrait des enfants de la rue*, or the *retrait*), “removed” over 1,500 children – including around 1,000 *talibés* – from the streets of Dakar from June 2016 to early 2017. A July 2017 Human Rights Watch report identified a number of serious problems with the program, including the failure to investigate or arrest any of the Quranic

teachers responsible for forcing the children to beg, and the return of some 1,000 *talibés* to those same teachers.

Subsequently, a November 2017 anti-trafficking police operation in partnership with Interpol (separate from the *retrait* program) “rescued” over 50 children – mostly *talibés* – from the streets in Dakar, incorporating the missing step: investigations, arrests and prosecutions. Unfortunately, sources from shelters where the children were placed told Human Rights Watch that some of these children were returned later in 2018 to their Quranic teachers, several of whom had only served a few months in prison.

In early 2018, the government launched the revamped “second phase” of the *retrait* program, picking up over 300 *talibés* between April and June 2018. An important change was implemented: children were returned only to their families, not to *daaras*. However, the justice element was again left out. “We [had] no instructions to arrest or refer the *marabouts* for prosecution. This time, we [were] focusing on the removal of the children,” a police commissioner involved with the program told Human Rights Watch in August 2018.

By pulling children off the street without investigating or ensuring serious consequences for those who forced them to beg, authorities are failing to attack the root of the problem and deter further abuse. Additionally, the *retrait* program’s narrow focus on Dakar has not impacted the tens of thousands of *talibés* forced to beg in other regions.

“There are some government actions to applaud. But this program to ‘remove children from the street’ is like scooping a cup of water from the ocean,” said Yahya Sidibe, president of the Senegalese association SOS Talibés. “Has it really made a difference? I still see children in the streets. I haven’t noticed any decrease. The phenomenon is prevalent across the whole country.”

Where any decrease in child begging has occurred, it appears limited to a few municipalities – such as Medina and Gueule Tapée-Fasse-Colobane, in Dakar – where committed mayors banned begging and worked with their communities to enforce the rule. These mayors, supported by international partners, also initiated inspections of local *daaras*, shutting down several that did not comply with the begging ban or posed health and safety risks. Unfortunately, few other local officials have used their authority to regulate *daaras* in their administrative areas.

Under-resourced Child Protection Services

The lack of adequate child protection services to remove children from abusive situations, provide care and shelter, and report cases of child abuse to the police or public prosecutor also contributes to the high numbers of children on the streets and subject to ongoing abuses in *daaras*. This report documents how child protection services in Senegal are critically under-resourced and often overwhelmed by *talibé* runaways or abuse victims.

No special police units for child protection exist outside of Dakar, and Departmental Child Protection Committees struggle with limited resources. Regional offices of “Non-Institutional Educational Action” (*Action éducative en milieu ouvert*, AEMO) – a social services and legal assistance agency under the Justice Ministry – are often staffed by just three or four people, some with no working vehicle and limited resources to reach children where abuses happen. Existing children’s shelters have limited capacity, and only three of Senegal’s 14 regions have state-run emergency children’s shelters. While non-governmental centers attempt to fill the gap in various regions, there are nowhere near enough facilities to meet the need.

As a result, social workers in some regions were forced to shelter *talibé* runaways or abuse victims in offices, *daaras*, or private orphanages while their parents were traced. Furthermore, social workers reported that they often felt constrained to prioritize the “most urgent” cases.

Justice: Advances and Blockages

Strong domestic laws in Senegal ban child abuse and willful neglect, sexual abuse of children, wrongful imprisonment or sequestration, endangerment, and human trafficking



Two talibé children in Louga hold their begging bowls, which contain rice. The children said they begged daily for food and money. January 11, 2019.
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(including the “exploitation of begging” and “migrant smuggling”). However, these laws are rarely enforced against Quranic teachers, squandering potential for deterrence. While more cases of abuse and exploitation by Quranic teachers were adjudicated in 2017, 2018 and 2019 than in prior years, the total remained small in proportion to the widespread nature of past and current abuses, and a number of obstacles to justice persisted.

The barriers to justice explored in this report include social workers failing to report cases of *talibé* child abuse or exploitation, police failing to investigate or inform the judiciary in some cases, inadequate legal aid services for child victims, family members failing to file official complaints against Quranic teachers, and some public prosecutors failing to launch such investigations of their own initiative. The juvenile-court-led judicial process assigning temporary child custody to children's shelters is one example of an often-missed opportunity by the prosecutor's office to open an investigation. Human Rights Watch found that even when judicial investigations are opened, prosecutors and judges are often subject to pressure from religious leaders, the community, or politicians to drop cases, reduce charges, or provide more lenient sentences.

That said, the past decade has seen a slow but positive national trend toward increased enforcement of the law against abusive Quranic teachers. Human Rights Watch has analyzed information showing that at least 32 judicial investigations into alleged abuses by Quranic teachers or their assistants were opened between 2017 and 2019 in nine administrative regions, leading to at least 29 prosecutions and 25 convictions during that period for forced begging, abuse, or children's deaths. The number of prosecutions and convictions during those years was likely higher than those documented in this report, as social workers and judicial officials in several regions mentioned additional cases which Human Rights Watch was unable to verify in detail.

Police and judicial enforcement of the 2005 anti-trafficking law increased in recent years, with at least nine Quranic teachers arrested on charges related to child smuggling or “exploitation of begging” between 2017 and 2019 in four regions. Eight were prosecuted and convicted; however, penalties were reduced by judges to fines or a few months in prison.

Members of the judiciary dropped or reduced charges or sentences against Quranic teachers or their assistants in at least 17 cases between 2017 and 2019. According to

sources in the judiciary and Justice Ministry, this was often the result of public pressure linked to the social influence of Quranic teachers and religious leaders.

On November 19, 2019, Human Rights Watch, in a letter to the Senegalese ambassador to the US, shared the main findings of this report and sought information on government's efforts to protect *talibé* children. On December 3, 2019, the Ministry of National Education responded, highlighting several projects aimed at improving standards in *daaras*, including the “Daara Modernization Support Project” (*Projet d'appui à la modernisation des daara*, PAMOD), the “Project to Support the Protection of Children in Education” (*Projet de Renforcement de l'Appui à la Protection des enfants dans l'Éducation*, RAP), and others. The letter is included as an appendix to this report.

The Roadmap: Justice, Policy and Programming

To protect *talibé* children from abuse, the Senegalese government should scale up and improve the *retrait de la rue* program, increase the capacity of child protection services, strengthen preventative and punitive responses to trafficking of *talibé* children, and prioritize justice for violations against *talibés*. Efforts by local governments and communities to crack down on child begging and regulate *daaras* should be supported by the Senegalese government and expanded across the country, and the government should consider leading national public communication campaigns to raise awareness of the risks to *talibé* children, existing laws and penalties, and the powers of administrative authorities (mayors or prefects) to regulate *daaras* in their jurisdiction.

To ensure lasting change for *talibés*, Senegal should take the following five steps. More detailed recommendations are included within each section and at the end of this report.

1. Improve and Scale Up Programs Targeting Child Begging

Authorities should expand programs to address forced child begging and “remove children from the streets” beyond Dakar to other regions. The government should establish clear procedures for coordination between police, social workers, and the judiciary to ensure that every time a talibé is removed from the streets, investigations are automatically conducted to ascertain forced begging or abuse, including by visiting the child’s daara. To ensure that cases of child abuse or exploitation are referred for legal action, relevant justice sector agencies – including the National Anti-Trafficking Unit and AEMO – should be more involved in re-trait operations and follow-up. Additionally, successful efforts by local governments, communities, and child protection committees to combat child begging – including municipal by-laws, surveillance, and public education campaigns – should be reinforced and promoted across the country.

2. Regulate and Support Existing Daaras

Local child protection committees and social workers should make stronger efforts to report any unsanitary or unsafe daaras to local Hygiene Services and administrative authorities (prefects or mayors), who should proactively inspect and shut down daaras putting children at risk. To further facilitate daara regulation, the National Assembly should bring the draft law on the legal status of daaras to a vote as soon as possible. Additionally, the government and its international partners should fully fund the planned extension of the “Universal Illness Health Cover” program to daaras and increase grants available to daaras that respect children’s rights.

3. Expand Child Protection Services

To help accommodate children removed from the street, as well as to meet the protection and legal needs of children who have experienced abuse or exploitation in daaras, the Senegalese government should urgently construct emergency children’s shelters in regions where none exist, such as Diourbel and Louga, and increase the resources and personnel allocated to child protection in regions across Senegal – including to the police, AEMO services, Departmental Child Protection Committees, and children’s centers.

4. Crack Down on Trafficking of Talibé Children

Security forces should step up vigilance for and response to the trafficking of groups of talibé children, particularly at Senegal’s borders and in cities known to be transit points or destinations for migratory daaras. The National Anti-Trafficking Unit should be involved in child protection initiatives and fully funded to fulfil its mandate. Preventative action in communities of origin, particularly in rural areas – including education on the dangers of sending talibés to distant cities, and increased investment in education and opportunities for youth – could also help stem migration-related risks.

5. Prioritize Justice for Abuses Against Talibés

Impartial enforcement of the law and justice for violations against talibés is key to deterring abuse and exploitation in daaras. Quranic teachers or their assistants forcing children to beg for money, beating, chaining, or otherwise abusing or endangering children in their care should be promptly investigated and prosecuted. Considering the trend within the judiciary to reduce charges or sentences in cases involving Quranic teachers, the Justice Ministry should consider issuing instructions and organizing trainings to discourage this practice and ensure the independent functioning of the courts.

Additionally, improved coordination and communication between private and public social workers, the police, and the judiciary should be made a top priority in order to ensure that more cases of abuse and neglect of talibé children are formally reported and investigated by Senegalese authorities. There is also a pressing need for pro bono legal aid services for vulnerable children such as talibés who are victims of abuse – not only to accompany separated children in legal proceedings, but to bring greater numbers of such cases to the attention of public prosecutors.

Finally, the international community should denounce ongoing abuses against *talibé* children; express support for an approach that equally prioritizes deterrence, social assistance, and public communication; and accompany the Senegalese government by providing financial, material or technical support to the priority areas identified in this report.



A *talibé* child near a major street intersection in Dakar, Senegal, June 19, 2018.

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Methodology

This report, which builds on the findings of six previous Human Rights Watch reports since 2010, is based on a two-week research mission to Senegal’s Dakar, Saint-Louis, and Diourbel regions in June 2018; two months of research in Dakar, Diourbel, Louga and Saint-Louis regions in December 2018 and January 2019; and phone and email interviews conducted between May 2018 and November 2019 with sources in Dakar, Saint-Louis, Diourbel, Louga, Thiès, Tambacounda, Kaolack, Kolda, and Ziguinchor regions. Members of the *Plateforme pour la Promotion et la Protection des Droits Humains* (PPDH), a Senegalese coalition of rights groups, helped arrange *daara* visits and facilitated interviews in Diourbel, Louga and Saint-Louis regions.

For this report and a June 2019 report, *“There Is Enormous Suffering”: Serious Abuses Against Talibé Children in Senegal 2017-2018*, Human Rights Watch interviewed more than 150 people, including *talibé* children, Quranic teachers, child protection experts, social workers, activists, UN representatives, Senegalese police and judicial personnel, and government workers and officials in the ministries of Justice; Education; the Interior; Women, Family, Gender, and Child Protection; and the former Ministry of Good Governance and Child Protection. Information on several cases of child abuse was obtained through interviews with social workers who had worked with the children, from judicial records and court documents, and from credible media reports.

Human Rights Watch visited 22 Quranic schools and 13 children’s centers in four regions (Dakar, Saint-Louis, Diourbel, and Louga). Of the 22 Quranic schools, four were in Dakar, five in Diourbel, three in Saint-Louis, five in Touba, four in Louga, and one in Koki. Fifteen of these were traditional *daaras* practicing child begging, and seven were “modern” or “modernized” *daaras* (in accordance with the phrasing used in Senegal) that no longer practiced begging. Of the 13 children’s centers or shelters visited, seven were in Dakar, four in Saint-Louis, one in Diourbel, and one in Louga. Two were day centers and 11 were short- or long-term shelters, including one privately-run orphanage and four government-run centers. Ten of the 11 shelters hosted *talibé* children at the time of visit.

Interviews were conducted in French, Wolof and Pulaar. Those in Wolof and Pulaar were conducted with the assistance of interpreters, primarily social workers and child protection

experts. Human Rights Watch did not offer interviewees any financial incentive, and they were informed that they could end the interview at any time. Throughout the report, names and identifying information of some interviewees have been withheld to protect their privacy and safety. Some people spoke on the condition of anonymity, out of fear of reprisals.

I. Programs to Reduce Child Begging

Under increasing national and international pressure to deal with the tens of thousands of children begging on the streets – vast numbers of which are current or runaway *talibés* – the Senegalese government launched an ambitious program in June 2016 to remove children from the streets and reunite them with their families.¹

The first of its kind in Senegal, the program is known as the “removal of children from the street” (in French, *le retrait des enfants de la rue*, or the *retrait*). The program’s first phase lasted for just under a year, until early 2017, and was followed by a two-day anti-trafficking police operation in November 2017. The government conducted three months of street operations during the *retrait* program’s “second phase,” launched in April 2018.

Thus far, these government efforts to remove children from the streets have taken place only in Dakar and have had limited impact in reducing or deterring forced child begging or other abuses against *talibés*, which remain widespread — as extensively documented in recent Human Rights Watch reports.² However, a few local government and community-led efforts demonstrated some success, providing promising models for scaling up.

In late May 2019, President Sall committed to “definitively resolv[ing] the problem of children in the street.”³ At time of writing, the *retrait* program was in a stage of restructuring and preparation for a third phase, according to Niokhobaye Diouf, child protection director in the new Ministry of Women, Family, Gender and Child Protection (“Family Ministry”).⁴

¹ See: Human Rights Watch, “*I Still See the Talibés Begging*”: Government Program to Protect Talibé Children in Senegal Falls Short, July 11, 2017, <https://www.hrw.org/report/2017/07/11/i-still-see-talibes-begging/government-program-protect-talibe-children-senegal#>.

² See: Human Rights Watch, “*There Is Enormous Suffering*”: Serious Abuses Against Talibé Children in Senegal, 2017-2018, June 11, 2019, <https://www.hrw.org/report/2019/06/11/there-enormous-suffering/serious-abuses-against-talibe-children-senegal-2017-2018>; and Human Rights Watch, “*I Still See the Talibés Begging*” (2017).

³ *Le Quotidien*, “DIALOGUE NATIONAL- Macky Sall s’engage à appliquer les résultats : ‘il n’y a plus d’enjeux pour moi, il y aura de la transparence. Je reste ouvert, disponible et engagé,’” May 28, 2019, <https://www.lequotidien.sn/dialogue-national-macky-sall-sengage-a-appliquer-les-resultats-il-n-y-a-plus-denjeux-pour-moi-il-y-aura-de-la-transparence-je-reste-ouvert-disponible-et-engage/> (accessed May 28, 2019).

⁴ Human Rights Watch email correspondence with Niokhobaye Diouf, DPDPE director, Ministry of Women, Family, Gender and Child Protection, Dakar, Senegal, June-September 2019.



A *talibé* child begging at car windows in Dakar, June 19, 2018. Multiple *talibés* told Human Rights Watch that their Quranic teacher required them to return with a specific quota of money each day.

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“Retrait” Program, Phase 1 (2016-2017)

In June 2016, President Macky Sall ordered “the urgent removal of children from the street,”⁵ resulting in rapid launch of the first phase of the *retrait* program. From mid-2016 to early 2017, over 1,500 children – including some 1,000 *talibés* – were removed from the streets and placed in temporary shelters. Several hundred were returned to their families. However, as documented in a 2017 Human Rights Watch report, the program returned more than 1,000 children to the same Quranic teachers who had sent them begging in the first place. The government did not open formal investigations into the teachers involved, and no inspections were conducted to ascertain the living conditions at the *daaras* in question.⁶

⁵ President Macky Sall of Senegal, Twitter post, July 1, 2016, https://twitter.com/macky_sall/status/748927604720340992 (accessed June 20, 2017).

⁶ See: Human Rights Watch, “*I Still See the Talibés Begging.*”

The program was widely criticized by child protection experts and civil society activists for its hasty launch, the lack of coordination between the government ministry in charge of the program at the time (the former Ministry of Women, Family and Children)⁷ and other ministries and civil society actors, and the decision to give monetary assistance to certain Quranic teachers as an incentive to stop child begging. Some social workers also criticized the alleged use of force by police when picking up children from the streets. Plagued with problems and limited funding, the program trickled to a stop in early 2017.⁸

Police Anti-Trafficking Operation (late 2017)

Prior to the launch of the new phase of the *retrait* program, an anti-trafficking operation in November 2017 in Dakar, led by Senegalese police and Interpol, demonstrated what it could look like to incorporate justice as an integral part of child protection efforts.⁹ The two-day “Operation Épervier” (Sparrowhawk) picked up 54 children from the streets, of which 47 were reportedly *talibés*. Police arrested seven individuals, including five Quranic teachers, who were later prosecuted for exploiting children through forced begging.¹⁰ (See Section V for more information on prosecutions.)

However, according to staff at two of the three children’s centers in Dakar where the 54 children were placed, police or government officials arbitrarily requested that some of the children be returned to their *daaras* instead of being reunited with their families.

An official at the state-run Ginddi Center said that several of the 28 *talibés* Ginddi received were returned to their *daaras*, following a request which he said came from the police. A few months later, he said, “Some of the children picked up from the street during Épervier

⁷ In September 2017, a Ministry of Good Governance and Child Protection (“Child Protection Ministry”) was created, taking over the *retrait* program from late 2017 until early 2019, when this ministry was dissolved and the child protection directorate re-integrated into the new Family Ministry.

⁸ Ibid.

⁹ See: Lauren Seibert (Human Rights Watch), “A Move Toward Justice for Senegal’s Exploited Talibé Children,” commentary, *All Africa*, December 6, 2017, <https://www.hrw.org/news/2017/12/06/move-toward-justice-senegals-exploited-talibe-children>.

¹⁰ Human Rights Watch email correspondence with Moustapha Ka, former Director of Human Rights, Ministry of Justice, Dakar, Senegal (forwarded correspondence from a public prosecutor in Dakar), December 17, 2018.

were on the list again for the second phase of *retrait*, so we knew they had ended up back in the streets.”¹¹

The director of another children’s center reported that a government official called a few months after Operation Épervier to request the return of 10 Bissau-Guinean *talibés* to their Quranic teacher, even though interviews with the children had already established forced begging. As the center had received temporary child custody from the juvenile court, the director was able to refuse the request and returned the children to their families in Guinea Bissau.¹²

It is highly concerning that these requests were made in the first place, as such actions directly contradict Senegal’s obligations under international and domestic law to protect children from exploitation.

“Retrait” Program, Phase 2 (2018)

In early 2018, the new Ministry of Good Governance and Child Protection (“Child Protection Ministry”) hastily pushed forward a revamped “second phase” of the *retrait* due to catalyzing events: “We started the second phase in a state of urgency,” said Alioune Sarr, former Director of Child Protection and head of the *retrait* program from late 2017 to early 2019. “The President gave firm instructions, and this was during a context of child abductions, kidnappings, and attacks against children, so we had to begin immediately.”¹³

From April to June 2018, 339 children between the ages of 7 and 14 – including 332 *talibés* – were picked up from the streets of Dakar. Of these children, 205 were reportedly Senegalese, 99 Bissau-Guinean, 25 Gambian, 5 Malian, 3 Guinean, and 2 Nigerien. An official at Ginddi Center, the state-run shelter where the children were placed pending family reunification, reported that most of the *talibés* mentioned begging for daily quotas of 300 to 1,000 francs CFA (US\$0.50 - \$1.80).¹⁴

¹¹ Human Rights Watch interview with Ginddi Center official, Dakar, Senegal, June 26, 2018.

¹² Human Rights Watch interview with director of a children’s center in Dakar, Senegal, June 21, 2018.

¹³ Human Rights Watch interview with Alioune Sarr, former Child Protection Director in the Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

¹⁴ Human Rights Watch interview with Ginddi Center official, Dakar, Senegal, June 26, 2018.

Improved Practices

In the *retrait* program's second phase, the Child Protection Ministry made some noteworthy improvements by ensuring that children were returned to their families; engaging directly with parents, who were urged to keep their children out of *daaras* that practiced begging; and increasing coordination with other ministries and child protection actors, with a view to improving the program's efficiency and sustainability.

No Daara Returns; Increased Pressure on Parents

In an important improvement over the first phase, officials ensured that no children removed from the streets during Phase 2 were returned to their *daaras*.¹⁵ By the time of Human Rights Watch's visit to Ginddi Center in January 2019, all of these children had been returned to their families, according to Ginddi staff.¹⁶

"Last time [during the first *retrait*], we placed the children in Ginddi Center, but they were overloaded... So we gave some *talibés* back to the same *marabouts*, lecturing them, perhaps in the naiveté of thinking they would respect their commitments [to stop child begging]," said a Child Protection Ministry official. "A new strategy is the return of children to their families... No child was returned to their *marabout* this time."¹⁷

The government also required parents, many in distant regions, to travel to Dakar to retrieve their children, warning them not to return their children to *daaras* where they were forced to beg. This time, the official explained:

We required all the parents to come present themselves in person. ...I said, 'We are not spending a single franc for the parents. It is up to them to spend their money to come get their child.' And we have the means to

¹⁵ Human Rights Watch interview with Etienne Dieng, Ginddi Center manager, Dakar, Senegal, June 26, 2018; interview with Alioune Sarr, former Child Protection Director in the Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018. See also: "Une nouvelle approche "inclusive" de retrait des enfants de la rue initiée (officiel)," *Homeview Sénégal*, July 6, 2018, <http://homeviewseegal.com/index.php/2018/07/06/une-nouvelle-approche-inclusive-de-retrait-des-enfants-de-la-rue-initiee-officiel/> (accessed December 14, 2018).

¹⁶ Human Rights Watch interviews with Ginddi Center staff, Dakar, Senegal, January 3, 2019.

¹⁷ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

compel them. ...Those parents who are in Senegal, we gave them 48 hours to come find their children. ...We were very firm in the message.¹⁸

Improved Coordination Between Ministries and With Civil Society

Calling it a “new inclusive approach,” the Child Protection Ministry took steps to improve coordination with other ministries and civil society during the *retrait*’s second phase, in order to more efficiently return the children to their families and prevent recidivism.¹⁹

Following an April 2018 consultative workshop attended by representatives from several ministries, the police and judiciary, UN agencies and civil society,²⁰ the Interior Ministry’s participation in the program increased through involvement of prefects (local officials with authority over an administrative area, or department²¹). Departmental Child Protection Committees (CDPEs) – chaired by the prefects – were also formally involved for the first time.

A Child Protection Ministry official explained the roles of the prefects and CDPEs as follows: in each child’s locality of origin, the prefect was informed that a child had been picked up in Dakar and coordinated with the CDPE to summon the parents to Dakar.²² In Dakar, he said, the children’s parents and Quranic teachers were sent to the city’s prefect, who explained the law against child begging and reportedly threatened both with penalties if the child ended up back in the street.²³ After the parents and children returned home, their local prefect was again informed and the CDPE tasked with follow up. The official also noted that his ministry was working with CDPEs and NGOs to develop a follow-

¹⁸ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

¹⁹ Agence de Presse Sénégalaise, “Plus de 1 700 Enfants Retirés des Rues de Dakar en Deux Ans (Tutelle),” July 6, 2018, <http://www.aps.sn/actualites/societe/article/protection-de-l-enfance-1787-enfants-du-senegal-et-de-pays-de-la-sous-region-retores-de-la-rue-rapport> (accessed November 20, 2018).

²⁰ Ministry of Justice, “Invitation à l’atelier d’élaboration de procédures opérationnelles standard de retrait des enfants de la rue,” April 13, 2018, Senegal (document on file with Human Rights Watch).

²¹ Note: Each of Senegal’s 14 administrative regions are divided into 3-4 administrative areas, or, departments.

²² Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

²³ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

up plan for each child, monitoring their reintegration and providing social support as needed.²⁴

Problematic Aspects of “Retrait” Phase 2

Problems with the second phase of the *retrait* included the limited scope of the program and the failure of police, child protection actors and the judiciary to make progress on deterrence by ensuring investigations and prosecutions of abusive Quranic teachers.

Small Scale, Limited to Dakar

Based on existing studies, Human Rights Watch has estimated the number of *talibé* children forced to beg in Senegal to be over 100,000, of which approximately 30,000 have been found to be begging in Dakar.²⁵ Rolled out only in Dakar during the first two phases, the government’s *retrait de la rue* program has so far failed to reach the tens of thousands of *talibé* children subject to forced begging in other regions.²⁶

Even in Dakar, numerous child protection activists and social workers – particularly those at children’s shelters – told Human Rights Watch that they had seen no overall decrease in the number of *talibés* begging since the program’s launch in 2016. From June 2018 to January 2019, Human Rights Watch and PPDH observed and spoke with scores of *talibés* begging on the streets of the cities of Dakar, Saint-Louis, Diourbel, Touba and Louga, highlighting the widespread and persistent nature of the problem.²⁷

Police: Failure to Investigate Forced Begging During the “Retrait”

Police commissioners from the Urban Safety Division in Dakar, whose Special Juveniles Unit accompanied social workers to pick up children begging in the streets, told Human Rights Watch that the police were not instructed to investigate the children’s Quranic teachers or visit their *daaras* during Phase 2 – despite the fact that most of the children were *talibés*, and there was readily available evidence to suggest they were victims of

²⁴ Ibid.

²⁵ See: Human Rights Watch, *“There Is Enormous Suffering”* (2017), p. 12-13.

²⁶ Human Rights Watch interview with manager of a children’s center in Dakar, June 21, 2018.

²⁷ Human Rights Watch, *“There Is Enormous Suffering,”* p. 19-22.

trafficking, including the social workers' findings and the reported statements of parents who did not know their child had been taken to Dakar.²⁸

"We work on the basis of instructions. If we do not have instructions to question the *marabouts*, we cannot question them," said a police commissioner from the Special Juveniles Unit,²⁹ noting that the process could potentially change for the next phase of the *retrait*.³⁰ A second police commissioner interviewed in 2018 similarly characterized the police's role in Phase 2 of the *retrait*:

The children found on the streets, they were not interviewed by the police... They were removed and taken to Ginddi Center. ...We limited ourselves to that stage, because this was not an operation organized by the Special Juveniles Unit – it's a program organized by the administrative authorities... it's the prefect who was in charge [this time]... the Special Juveniles Unit has not questioned the *marabouts*... nor opened investigations.³¹

In the context of the *retrait*, the police commissioner stated that it should be the responsibility of children's centers to refer any cases of abuse or exploitation uncovered by social workers to the public prosecutor.³² However, a Justice Ministry official contradicted this position: "The law already says exploitation is a crime – you don't need instructions to conduct an investigation," he told Human Rights Watch. "Normally they [the police] should always do an investigation to find out why each child is in the street. I think it's a problem of understanding on the part of the police... their role and obligation is to question the parents, the *marabouts*."³³

²⁸ Human Rights Watch interview with Alioune Sarr, former Child Protection Director in the Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018; interview with Etienne Dieng, manager of Ginddi Center, Dakar, Senegal, June 26, 2018.

²⁹ Human Rights Watch interview with a police commissioner from the Special Juveniles Unit, Urban Safety Division of the National Police, Dakar, Senegal, August 3, 2018.

³⁰ Ibid, December 5, 2018.

³¹ Human Rights Watch interview with a police commissioner, Urban Safety Division of the National Police, Dakar, Senegal, August 7, 2018.

³² Ibid.

³³ Human Rights Watch interview with Justice Ministry official, Dakar, Senegal, August 6, 2018.



A talibé child in Dakar, Senegal, June 21, 2018. © 2018 Lauren Seibert/Human Rights Watch

Beyond the *retrait* program in Dakar, Senegalese police in multiple regions of Senegal often failed to initiate or pursue investigations into cases of forced begging or abuse against *talibé* children in 2017-2019. This dynamic and its detrimental effect on *talibé* children's access to justice is explored further in Section V of this report.

Child Protection Sector: Failure to Report Forced Begging

Child protection actors implementing the *retrait*, including children's reception centers and former Child Protection Ministry officials, also failed to report or refer suspected cases of forced begging to the police or prosecutor's office.

A Child Protection Ministry official involved with the *retrait's* second phase said that no instructions had been issued to social workers or anyone else involved in Phase 2 to report cases of forced begging for formal investigation. He suggested that the warnings reportedly issued to parents and Quranic teachers by the prefect sufficed as a deterrent, and that sanctions would be implemented in future for recidivists.³⁴

A Ginddi Center official admitted it was not standard practice for Ginddi to report cases of forced begging to the police, and they had not done so during the *retrait's* first or second phases. He noted that while it was normal practice for Ginddi to report serious cases of suspected physical abuse, no such cases had been discovered during the *retrait*. He said he felt the onus for reporting and investigating cases should be on others – the police, judiciary, or the Child Protection Ministry – rather than on Ginddi's overloaded social workers. However, he noted that after each *retrait* operation, Ginddi sent lists of the children and their personal information to the Child Protection Ministry and police's Special Juveniles Unit, as well as submitting reports to the juvenile court in order to obtain

³⁴ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

temporary custody orders, all of which could have been a basis for further investigation into both abuse and child begging.³⁵ (These factors as barriers to justice for *talibés* are analyzed further in Section V.)

Justice Sector Not Involved in “Retrait” Program

Despite improved coordination between the Interior and Child Protection ministries, key justice sector actors – both within the judiciary and the Justice Ministry – were notably absent from the planning, operations and follow-up for the *retrait*’s second phase. Their participation in future phases of the program is vital, both to oversee legal processes of the child’s temporary placement and return to family, and to trigger investigations and prosecutions of those who forced them to beg, so as to deter further abuse.

The fact that no judicial investigations into forced child begging were opened during the program’s first or second phases indicates the judiciary has not played an active role in the *retrait*, though the Dakar prosecutor’s office was reportedly informed prior to the launch of the second phase.³⁶ Additionally, two important government agencies which could have assisted with follow-up or legal action were also not involved: the National Anti-Trafficking Unit, an inter-ministerial body headed by the Justice Ministry; and the Justice Ministry’s agency of “Non-Institutional Educational Action” (*Action éducative en milieu ouvert*, AEMO), mandated to ensure child protection, accompany children in legal procedures and assist with follow-up reporting after children are returned to their families.

Associate director Amadou Ndiaye of the Justice Ministry’s Directorate of Correctional Education and Social Protection, which oversees AEMO, emphasized the importance of coordinated follow-up by AEMO and the police to investigate and refer alleged abuse or exploitation cases, and to trigger relevant legal processes. Those processes should include “temporary custody orders” issued by juvenile courts to place children in shelters, and formal investigations by the prosecutor’s office where necessary.³⁷ “We continually

³⁵ Human Rights Watch interview with Ginddi Center official, Dakar, Senegal, January 3, 2019.

³⁶ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

³⁷ Human Rights Watch interview with Amadou Ndiaye, associate director, Directorate of Correctional Education and Social Protection (DESPS), Ministry of Justice, Dakar, Senegal, June 27, 2018; Ministry of Justice, “Note de la DESPS sur le processus de retrait des enfants de la rue”, Senegal (on file with Human Rights Watch).

see that *talibés* removed from the street return to the street. We need AEMO and the juvenile courts [involved] to ensure this doesn't happen," Ndiaye said.³⁸

To this end, procedures to ensure regular communication between the police, the prefect, the judiciary, AEMO, and children's center social workers should be integrated into future phases of the *retrait* program. A system should be established to automatically refer cases of forced begging uncovered during *retrait* operations to the public prosecutor's office, and the Quranic teachers of any *talibés* who report forced begging should be formally questioned by the police.

Ultimately, the failure to incorporate investigations and prosecutions for forced begging as part of the *retrait* undermines durable or widespread impact for *talibé* children by suggesting that abusive Quranic teachers can continue to operate with impunity. As long as those responsible for forced begging continue to run their *daaras* without consequences, no matter how many children are removed from the street, others will continue to be exploited and abused.

Steps Toward a Revised "Retrait" Program in 2019

In the months following President Sall's promise in May 2019 to restart the *retrait* program,³⁹ several inter-ministerial planning meetings were held to discuss next steps.⁴⁰ Niokhobaye Diouf, child protection director, informed Human Rights Watch that several ministries – Family, Justice, Interior, Education, Health and Social Action, Community Development, Culture and Communication – were meeting to discuss "the creation of a national steering committee which should validate the procedures of the *retrait*... and assess the needs before launching operations that are sustainable and effective."⁴¹

³⁸ Human Rights Watch interview with Amadou Ndiaye, DESPS associate director, Ministry of Justice, Dakar, Senegal, June 27, 2018.

³⁹ *Le Quotidien*, "DIALOGUE NATIONAL- Macky Sall s'engage à appliquer les résultats : "il n'y a plus d'enjeux pour moi, il y aura de la transparence. Je reste ouvert, disponible et engagé," May 28, 2019, <https://www.lequotidien.sn/dialogue-national-macky-sall-sengage-a-appliquer-les-resultats-il-n-y-a-plus-denjeux-pour-moi-il-y-aura-de-la-transparence-je-reste-ouvert-disponible-et-engage/> (accessed May 28, 2019).

⁴⁰ Human Rights Watch email correspondence with Niokhobaye Diouf, DPDPE director, Ministry of Women, Family, Gender and Child Protection, Dakar, July 31, 2019 (unofficial translation by Human Rights Watch).

⁴¹ *Ibid*, September 6, 2019.

The government taking time to plan and coordinate on the next evolution of the *retrait*, rather than rushing forward as in prior phases, is a positive step and could correct some of the problems detailed above. The appointed steering committee should develop standard operating procedures for the *retrait* that prioritize protecting children’s rights, sustainability, and justice.

Models for Success: Community Efforts to Reduce Begging

Considering the limited impact of the *retrait* program from 2016 to 2018, it is important to look at what else *is* working. Though limited in scale, where any decrease in child begging has occurred in Senegal, it appears to have occurred in districts or municipalities with strong community-level engagement to fight child begging. According to several local child protection workers, such efforts – balancing proactive public communication, support for children, and deterrence – appeared to lead to a reduction in the number of *daaras* subjecting *talibés* to forced begging in these localities.

For example, this was reportedly the case in the Medina and Gueule Tapée-Fass-Colobane municipalities of Dakar, where both mayors banned child begging in 2016 and the communities came together to enforce the ban. As part of an anti-begging project initiated by the UN Office on Drugs and Crime (UNODC) and funded by USAID, the two mayors and their municipal councils conducted extensive community sensitization, as well as surveys and inspections of local *daaras*, prior to issuing municipal by-laws that banned begging. The projects also included plans to organize “surveillance units” to enforce the by-laws, as well as installation of kiosks or “solidarity houses” for the collection of alms to support local *daaras*.⁴² In Gueule Tapée, the surveillance units were composed of community actors,⁴³ while Medina

⁴² Human Rights Watch interview with UNODC official, Dakar, Senegal, June 18, 2018; interview with Souleymane Diagne, assistant to the coordinator of the “project to fight against exploitation and forced begging of talibé children in the municipality of Medina,” Dakar, Senegal, December 28, 2018; interview with Moussa Ndoeye, coordinator of the “project to fight against child begging and abuse in the municipality of Gueule Tapée-Fasse-Colobane,” Dakar, Senegal, December 27, 2018.

⁴³ Human Rights Watch interview with Moussa Ndoeye, Gueule Tapée project coordinator, Dakar, December 27, 2018.

expanded the mandate of the existing administrative enforcement unit of the municipal council.⁴⁴

Representatives of both municipalities told Human Rights Watch that they had observed substantive impact by late 2018. Moussa Ndoeye, the project coordinator in Gueule Tapée, estimated that begging had reduced by 80 percent in the municipality's public spaces, with the majority of the local *daaras* having ceased the practice on threat of expulsion.⁴⁵ In Medina, project assistant Souleymane Diagne said that all the *daaras* within the municipality had stopped sending children to beg. "The other children begging [in Medina] come from *daaras* outside of our municipality," he said.⁴⁶

Both project coordinators told Human Rights Watch that the by-laws were not strictly necessary to ban child begging, since the 2005 national anti-trafficking law had already prohibited the practice; however, they served to illustrate the political will of the mayors and the population's support for ending child begging and protecting *talibés*.⁴⁷

The scope of the by-laws also goes further than the national law, which forbids "organiz[ing] the begging of others for a profit, engag[ing], lur[ing] or abduct[ing] a person for the purpose of begging, or exerting pressure on [him/her] to beg."⁴⁸ For instance, the Medina by-law states that "Within the municipal perimeter of Medina, public begging, abuse and exploitation of children are prohibited," and "Clandestine and irregular *daaras* that fail to meet the standards of security and health shall be required to close their establishment."⁴⁹

⁴⁴ Human Rights Watch interviews with Souleymane Diagne, Medina project assistant, Dakar, December 28, 2018 and October 31, 2019.

⁴⁵ Human Rights Watch interview with Moussa Ndoeye, Gueule Tapée project coordinator, Dakar, December 27, 2018.

⁴⁶ Human Rights Watch interviews with Souleymane Diagne, Medina project assistant, Dakar, December 28, 2018 and October 31, 2019.

⁴⁷ Ibid; interview with Moussa Ndoeye, Gueule Tapée project coordinator, Dakar, December 27, 2018.

⁴⁸ République du Sénégal, Loi n° 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes, art. 3 (unofficial translation by Human Rights Watch).

⁴⁹ Commune de Medina, "Arrêté: Décision Portant création de Daaras," Dakar, Senegal, 2016, articles 1-2 (copy on file with Human Rights Watch; unofficial translation by Human Rights Watch).

Two other Dakar municipalities – Pikine Nord and Diamaguène Sicap Mbao – began anti-begging projects with USAID and UNODC in 2018, though no municipal by-laws had been issued by time of writing in late 2019.⁵⁰

⁵⁰ Human Rights Watch interviews with UN official, Dakar, Senegal, January and September 2019.

II. Daara Regulation and Support

Thousands of *daaras* in Senegal operate without any government oversight or support, many from Quranic teachers' homes or in abandoned or uncompleted buildings. Living conditions in traditional *daaras* are often cramped, filthy and unhygienic, posing a number of health and safety risks to children – including from fires, in which dozens of children have perished.⁵¹

While the government and its international partners have rolled out several important programs providing aid to *daaras* and constructing new “modern *daaras*,” these initiatives have not come close to meeting the scale of the need, nor do they address the issue of regulation.

Regulation of existing Quranic schools is not contingent on the passing of the draft law on the legal status of *daaras* – first drafted in 2013, finally approved by the Council of Ministers in June 2018, and awaiting a vote before the National Assembly at time of writing – though this would certainly encourage and facilitate regulation. Local administrative officials such as mayors and prefects already have the legal authority to inspect and shut down *daaras* posing a danger to the health, safety or wellbeing of children within their administrative area. This can include *daaras* with terrible living conditions or where children are forced to beg. Furthermore, local “Hygiene Services” under the Ministry of Health and Social Action may be dispatched to inspect the health and sanitation conditions of *daaras*, and they can issue fines or other penalties if conditions are not met.

In reality, few local officials have exercised such powers. Child protection experts and government officials said that this is often due to the social influence of Quranic teachers and the lack of political will to tackle a controversial issue; some local officials or their constituencies may also lack understanding of these powers and responsibilities.⁵²

⁵¹ See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 28-30, 46-52.

⁵² Human Rights Watch interviews with Senegalese child protection experts and government officials, Dakar, Mbacke, and Saint-Louis, Senegal, June 2018 – January 2019.



A group of talibé children on the rooftop terrace of a daara in Touba that housed over 100 talibés in a large, unfinished building with no paved floors. At night, the children either slept inside on sheets on the sand, or on the terrace, exposed to malaria-carrying mosquitos. January 8, 2019. © 2019 Lauren Seibert /Human Rights Watch

In Saint-Louis, where Human Rights Watch has visited dozens of squalid *daaras* since 2009, “there is a proliferation of *daaras*,” according to a staff member at a local children’s center. “They come, they rent a house, and they install the children in conditions of extreme hardship. There is no effective system in place to eradicate this phenomenon,” he said.⁵³

In fact, Human Rights Watch found that local systems and processes that could tackle this issue do exist, though they are rarely utilized – with the exception of a few municipalities, including in Saint-Louis and parts of Dakar.

⁵³ Human Rights Watch interview with staff members at Miroir des Enfants center, Saint-Louis, Senegal, June 29, 2018.

Successful Daara Regulation at the Local Level

In Dakar, the mayor's offices of Medina and Gueule Tapée-Fasse-Colobane, supported in their anti-begging projects by USAID and UNODC, demonstrated what it could look like if local authorities took regulation seriously. Following the 2016 municipal by-laws that banned begging within their municipalities, they both closed several *daaras* that had failed to stop child begging or meet health and safety standards.

In Medina, “We closed six *daaras* that failed to meet the standards,” said project assistant Souleymane Diagne. Four of the Quranic teachers agreed to return home after the sensitization campaign, and two *daaras* were closed by the police.⁵⁴ Diagne recounted:

We took the initiative to close [the two *daaras*] with the police, based on the report by the Hygiene Service. ...Personnel from the Hygiene Service went there to see the conditions in which the children lived. They found that, in fact, the conditions were not suitable. ...It was unacceptable for the children to spend even one more day in either of these *daaras*, where the living conditions were extremely difficult. They had no sanitation, no water... the *daara* was in a dangerous location where people came to exploit them – it was a risk for the children.

...So the Hygiene Service issued an injunction to the municipality, requesting that we take steps to close these *daaras*. On this basis, we went there with the police to remove the children and shut down the *daaras*.⁵⁵

In Gueule Tapée-Fasse-Colobane, according to project coordinator Moussa Ndoeye, the mayor's office dispatched a security unit from their office to close down three *daaras* between 2016 and early 2019, evicting the Quranic teachers.⁵⁶

⁵⁴ Human Rights Watch interview with Souleymane Diagne, Medina project assistant, Dakar, Senegal, December 28, 2018.

⁵⁵ Ibid.

⁵⁶ Human Rights Watch interview with Moussa Ndoeye, Gueule Tapée project coordinator, Dakar, Senegal, December 27, 2018.

In Saint-Louis, an official in the mayor's office told Human Rights Watch that the District Child Protection Committees (CQPEs) had permission to monitor the *daaras* in their districts.⁵⁷ Between late 2018 and late 2019, according to the official, representatives from the mayor's office and local Hygiene Services inspected 18 *daaras* after district community members – including some CQPE members – reported that children were living there in squalid and unsafe conditions. “Some of the buildings didn’t have doors, or roofs, or windows. There were no toilets. Basic hygiene conditions were not met; there was trash inside,” he said. Based on these findings, the official explained, the mayor's office issued “summons” to the 18 building owners (6 of which were *marabouts*; the other 12 had allowed *marabouts* to rent or use their buildings), warning that they had 30 days to improve the structural safety conditions, on penalty of sanctions. He noted that Hygiene Services also set a deadline for the owners to clean up and improve sanitary conditions. Ultimately, the threat of penalties compelled the majority of these *marabouts* to depart from the buildings with their *talibé* children, the official said.⁵⁸

The actions taken by these Dakar and Saint-Louis municipalities to use their administrative powers to regulate *daaras* are encouraging. Clear direction and funding for such efforts from the Interior Ministry, as well as a government-led public information campaign, could encourage more local governments to follow suit.

In order to prevent further *talibé* deaths from disease, fires, or other dangers in poorly maintained *daaras* – as well as to enforce the law against child begging – local governments nation-wide must step up and take stronger action. Mayor's offices and prefectures are responsible for protecting children within their administrative areas. For their part, Child Protection Committees should report any unsafe, unhygienic or exploitative *daaras* to administrative officials or local Hygiene Services. In turn, local officials should make it a priority to ensure such *daaras* are inspected and shut down where necessary.

⁵⁷ Human Rights Watch interview with an official in the mayor's office, Saint-Louis, Senegal, January 14, 2019.

⁵⁸ Ibid, October 31 and November 7, 2019.

Daara Support and Social Assistance Programs

Several social assistance programs in 2017-2019 demonstrated some commitment by the Senegalese government and local authorities to address the health and education needs of *talibé* children and improve living conditions in *daaras*.

First, the Health and Education ministries announced in July 2018 that the “Universal Illness Health Cover” program for students would be extended to *daaras*.⁵⁹ Though the program had not yet launched nationally, the Health Ministry’s Directorate of Social Action and a few mayors’ offices, as well as private donors, funded the enrollment of several thousand *talibé* children in 2017 and 2018.⁶⁰

Second, some mayors’ offices – such as in Touba, Louga, Saint-Louis – provided small ad hoc financial assistance to Quranic teachers, built latrines and provided supplies for several *daaras*.⁶¹

Third, the Education Ministry continued implementation of two jointly-led and jointly-funded programs that included efforts to “upgrade” or “modernize” *daaras*: the “Daara Modernization Support Project” (*Projet d’appui à la modernisation des daaras*, PAMOD) with the Islamic Development Bank, and the “Quality Improvement and Equity in Basic Education Project” (*Projet d’Appui à la qualité et à l’équité dans l’éducation de base*, PAQEED), with the World Bank.⁶²

⁵⁹ Human Rights Watch interview with officials in the CMU Agency, Dakar, Senegal, January 17, 2019; “1 millions de talibés vont être enrôlés par la CMU,” *DirectActu*, July 14, 2018, <http://www.directactu.net/2018/07/14/11355/> (accessed July 15, 2018); “Santé : La Cmu veut enrôler un million de talibés en une année,” *Le Soleil*, July 13, 2018, <http://lesoleil.sn/actualites/item/80032-sante-la-cmu-veut-enroller-un-million-de-talibes-en-une-annee.html> (accessed July 14, 2018).

⁶⁰ Human Rights Watch interview with Lamine Ndiaye, deputy to the mayor, chargé de la protection sociale, Saint-Louis, Senegal, January 14, 2019; interview with Birane Gaye, second deputy to the mayor, Touba, Senegal, January 10, 2019; email correspondence with government official, Universal Illness Health Cover Agency (*Agence de la Couverture Maladie Universelle*), Ministry of Health and Social Action, September 30, 2019.

⁶¹ Human Rights Watch interviews with officials at Saint-Louis and Touba mayor’s offices and with Quranic teachers in Louga, January 2019.

⁶² Human Rights Watch interviews with officials in the Daara Inspectorate, Ministry of National Education, Dakar, Senegal, June 22, 2018 and January 22, 2019; UN Human Rights Council, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Senegal,” August 31, 2018, UN doc A/HRC/WG.6/31/SEN/1, p. 13-14, 17.

PAQEEB supported 100 *daaras* in 2017 and 2018 to improve living conditions, cover health care, and integrate literacy and numeracy into their curriculums. According to a consultant involved with the project, an additional 400 *daaras* would be selected for PAQEEB's next phase, which had encountered delays.⁶³

PAMOD, originally launched in 2013, was intended to set norms for *daaras*, including a more diverse academic curriculum and standards of hygiene, health, child protection and children's rights. The project has provided support to 32 "private modern *daaras*" and planned construction of 32 new "public modern *daaras*." While at least half of the planned modern *daaras* had been built, none were yet operational as of early 2019.⁶⁴ Human Rights Watch requested updated information from the government, but had not received a response by time of writing.

After receiving support from these projects, some Quranic schools improved living conditions and abandoned the practice of begging.⁶⁵ However, the aforementioned initiatives have remained limited in scope. These programs should be expanded to extend their reach country-wide, in accordance with Senegal's commitments under international law to uphold children's rights to health, nutrition, medical care, education, and a safe and nurturing living environment.⁶⁶

⁶³ Human Rights Watch interviews with PAQEEB consultant, Dakar, Senegal, January 22, 2019 and November 14, 2019; interviews with officials in the Daara Inspectorate, Ministry of National Education, Dakar, Senegal, June 22, 2018 and January 22, 2019.

⁶⁴ Human Rights Watch interviews with officials in the Daara Inspectorate, Ministry of National Education, Dakar, Senegal, June 22, 2018 and January 22, 2019.

⁶⁵ Human Rights Watch interviews with Quranic teachers in Dakar, Diourbel, and Saint-Louis, Senegal, June 2018; interviews with government officials in the Education Ministry, January 2019.

⁶⁶ See: UN *Convention on the Rights of the Child* (adopted 1989, entered into force 1990); Organization of African Unity (OAU), *African Charter on the Rights and Welfare of the Child* (adopted 1990, entered into force 1999).

III. Child Protection Services

As illustrated by the extensive documented abuses in *daaras* – forced begging, beatings, chaining, sexual abuse – *talibés* account for a significant number of the children requiring protection and emergency assistance in Senegal.

When Human Rights Watch visited 13 public and private children’s shelters in four of Senegal’s regions between June 2018 and January 2019, social workers clearly stated that a large percentage of the children they assisted each year were *talibés*, mostly runaways who had fled situations of forced begging, abuse or neglect.⁶⁷

This section describes how the child protection services in place to assist these children – police, state social workers, children’s shelters, and child protection committees – suffer from a severe lack of resources, personnel, and capacity. As a result, hundreds to thousands of *talibé* children subject to forced begging or violence each year either receive inadequate assistance or simply fly under the radar, remaining in abusive *daaras* or living in the streets.

Child protection services should be urgently expanded and fully resourced all regions in order to ensure that all *talibé* children who are victims of abuse or exploitation are removed from their *daaras*, receive appropriate care and legal assistance, and are returned to their families and not to the *daara*, regardless of the severity of the abuse.

Police: Limited Child Protection Personnel

According to interviews with police and social workers, the dearth of police officers trained and dedicated specifically to child protection work across Senegal prevents many child abuse victims, particularly *talibés*, from accessing the support and legal assistance they need.⁶⁸ Police commissioners interviewed by Human Rights Watch cited lack of time or

⁶⁷ Human Rights Watch interviews with social workers and staff members, children’s shelters in Dakar, Diourbel and Saint-Louis, June 2018 and January 2019. See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 54-55.

⁶⁸ Human Rights Watch interviews with police commissioners and social workers in Dakar and Saint-Louis, Senegal, June 2018 – January 2019.

personnel as a reason for failing to investigate or refer some cases of forced begging to the prosecutor's office.⁶⁹

The police's Special Juveniles Unit in Dakar, mandated to handle child protection cases, is the only one of its kind in Senegal and had fewer than 10 officers as of mid-2017.⁷⁰

In 2015, the Interior Ministry announced its intention to set up special "offices" to deal with cases concerning children in all central police stations. At time of writing no such offices had been established in other regions, though most police stations reportedly had one or more officers trained in child protection.⁷¹ A government social worker in Diourbel said he had observed an improvement in police handling of children's cases following trainings: "More police are trained on the care of children now – how to receive them, put them at ease, let them express themselves," he said. "I would not say they are 'well trained' yet, but there has been progress."⁷² A government social worker in Tambacounda expressed similar views: "More and more the police are collaborating with us [on child protection cases], especially the inspectors."⁷³

The Interior Ministry should capitalize on this momentum and ensure that police officers in all regions receive adequate training in child protection. It should also fulfill its pledge to install special offices or units dedicated to juvenile affairs in all central police stations.



A *talibé* child looks at the tablets where the boys practice writing Quranic verses at a daara in Dakar, June 23, 2018. The children begged daily for money and all their meals. © 2018 Lauren Seibert/Human Rights Watch

⁶⁹ Human Rights Watch interview with police commissioners in Saint-Louis and Dakar, Senegal, June 28 and December 5, 2018.

⁷⁰ Human Rights Watch interviews with a police commissioner, Dakar, Senegal, May - June 2017.

⁷¹ Human Rights Watch interview with police commissioner, Special Juveniles Unit, Urban Safety Division of the National Police, Dakar, Senegal, August 3, 2018; interview with police commissioner, Saint-Louis, Senegal, October 17, 2019.

⁷² Human Rights Watch interview with government social worker, Diourbel, Senegal, November 6, 2019.

⁷³ Human Rights Watch interview with government social worker, Tambacounda, Senegal, November 6, 2019.

Lack of Support to AEMO Social Workers

Much of the state's emergency child protection work is handled by the regional or departmental offices of the social services and legal assistance agency under Justice Ministry, known as the agency of "Non-Institutional Educational Action" (AEMO). However, AEMO offices are severely underfunded, inhibiting their ability to fulfill their mandate to handle urgent child protection cases in their localities, make the appropriate referrals, and support children through judicial processes.

Each of Senegal's 14 regions has at least one AEMO office; a few regions – such as Dakar, Thiès, and Diourbel – have an AEMO office for each of their administrative areas or "departments." AEMO offices are typically connected to the regional or departmental courts.

While AEMO offices are typically notified immediately of serious cases of child abuse, injury or death, Human Rights Watch found that they lack the resources and personnel to respond to every incident: most are staffed by just three or four people, and some have no working vehicle. As a result, AEMO social workers are constantly overwhelmed by cases, and some have no means of providing immediate emergency assistance to children, including *talibés*.⁷⁴

Several AEMO social workers told Human Rights Watch that due to their limited time and resources, combined with the lack of children's shelters (discussed below), they often felt compelled to focus on only the "most urgent" cases – notably severe abuse or rape. As a result, they said, runaway *talibé* children with "less severe" allegations – forced begging, neglect, corporal punishment – were at times returned to their *daaras* following a "warning" or "mediation" by AEMO staff with the responsible Quranic teacher.⁷⁵

In Louga, at the time of Human Rights Watch's visit in January 2019, the AEMO regional office had only one motorcycle at their disposal. In Mbacke (Diourbel region) and Saint-Louis, the AEMO offices had no working vehicle. The AEMO office in Mbacke, with a staff of four at the time of visit – two social workers, a security agent, and a cleaning lady – is

⁷⁴ Human Rights Watch interviews with AEMO social workers in Dakar, Mbacke, Diourbel, Saint-Louis, Thiès, Mbour, and Louga, Senegal, June 2018 – January 2019.

⁷⁵ Ibid.

responsible for the whole department of Mbacke, including Touba, a city with a population of over 500,000 and a high concentration of *talibés*. “We have enormous difficulty covering our mission, because of the lack of resources, human resources, logistics, and the size of the area covered,” said an AEMO social worker in Mbacke. “Our vehicle is currently broken down. Louga, Kaolack, Tambacounda... a lot of [AEMO] structures don’t have a vehicle, or else it’s broken down.”⁷⁶

The AEMO coordinator in Saint-Louis at the time of Human Rights Watch’s visit said that with a staff of three people, no vehicle and limited budget, he is constrained in what he can do. “For a while I haven’t even had a vehicle – it’s broken down – and sometimes the police call me late at night, even up to 4 or 5 a.m.” he said. “As soon as a child arrives, they call me. If I’m required to go, I take a taxi, or I walk. I don’t want to leave a child to spend a night with the police.”⁷⁷

Lack of Emergency Children’s Shelters

Senegal also lacks sufficient care systems or shelters to accommodate children in emergency situations – many of whom are *talibés* – including runaways, abuse victims, children in danger, or those who have committed minor crimes. Such facilities are necessary to care for the child while family members are traced or long-term placements determined, which can take from days to months. Foster care in Senegal is practically nonexistent, with only a few placements reportedly made in specific regions.⁷⁸ The lack of emergency children’s shelters in numerous regions is a major obstacle to both child protection and justice, and has contributed to the limited scope of the government’s *retrait des enfants de la rue* program, constrained to Dakar from 2016-2018.

At time of writing, there were only eight government-run centers in Senegal able to provide shelter for children, with one reserved for children with special behavior problems (the “Social Adaptation Center” in Mbour). Of the remaining seven, Ginddi Center in Dakar is managed by the Family Ministry; the others, run by the Justice Ministry, include three “Centers of First Reception” (*Centres de Premier Accueil*, CPAs) in Dakar, Saint-Louis, and

⁷⁶ Human Rights Watch interview with AEMO social worker, Mbacke, Senegal, January 9, 2019.

⁷⁷ Human Rights Watch interview with AEMO social worker, Saint-Louis, Senegal, January 14, 2019.

⁷⁸ Human Rights Watch interview with Koilel Sanbou Sarr, statistics office, Directorate of Correctional Education and Social Protection (DESPS), Ministry of Justice, Dakar, Senegal, December 31, 2018.

Ziguinchor, and three “Multipurpose Centers” (*Centres Polyvalents*, CP) – intended for longer-term stays, not emergencies – in Dakar, Diourbel and Kaolack. Though the Ministry of Health and Social Action operates several dozen social reintegration and reinsertion centers, these are neither capable of nor intended to provide emergency shelter to children, according to an official interviewed.⁷⁹

All told, only five of Senegal’s 14 regions (Dakar, Saint-Louis, Diourbel, Ziguinchor, Kaolack) had government-run children’s shelters at time of writing, and only three regions (Dakar, Saint-Louis, and Ziguinchor) had reception centers dedicated to short-term and emergency stays – the three CPAs and Ginddi Center. These existing centers have extremely limited resources, staff and capacity.⁸⁰ A number of private or non-profit children’s shelters and centers operate in various regions, but there are not enough facilities to meet the need.

Some regions – such as Diourbel, Tambacounda, and Louga, in which there are thousands of *talibé* children and hundreds of runaways who end up on the streets each year – have no state-run facilities at all to shelter separated children while their families are traced. AEMO services in these regions rely on the willingness of private organizations, community volunteers, or even local *marabouts* to help them by hosting children in emergencies – which can clearly lead to conflicts of interest and other child protection concerns.

For example, one AEMO social worker noted that referring certain cases to the prosecutor would damage his relationship with *marabouts* who helped him meet the need for emergency beds. “Sometimes the care of the children we assist comes out of my own pocket, and I’m obligated to spend the night at the office with the children and pay for their food,” he added.⁸¹

In Diourbel, the state-run Multipurpose Center (CP) is the only children’s center. However, its capacity is limited to 20 children, and it is intended for longer-term stays focused on

⁷⁹ Human Rights Watch interview with Mamadou Lamine Faty, Director of the Promotion and Protection of Handicapped Persons, Directorate of Social Action, Ministry of Health and Social Action, Dakar, Senegal, December 31, 2018.

⁸⁰ Human Rights Watch observations and interviews with children’s center staff and social workers in Dakar, Saint-Louis, and Diourbel, Senegal, June 2018 – January 2019; interview with DESPS officials, Ministry of Justice, Dakar, Senegal, June 27, 2018, August 2, 2018, and December 31, 2018.

⁸¹ Human Rights Watch interview with AEMO social worker, Senegal, January 9, 2019.

social rehabilitation. A staff member at the center told Human Rights Watch that some children can occasionally be hosted in urgent cases, but “emergency shelter is not the primary mission of the CP.”⁸²

“For *talibé* children who run away from their *daaras* or who commit petty theft in Diourbel, we have nowhere to put them,” said Malick Sy, Diourbel coordinator for the human rights organization RADDHO. “When he receives these cases, the prosecutor often has no choice but to place them in preventative detention at the Diourbel Prison and Correctional Center. The lack of children’s centers is a big problem.”⁸³

In Louga region, there are no government-run children’s shelters at all. The existing private centers at time of visit included three orphanages and a baby nursery. A “transit center” run by the NGO SOS Children’s Village, which could potentially accept urgent cases, was not yet operational at time of visit in January 2019.⁸⁴ “In Louga we have this problem – we don’t have emergency reception centers,” said an AEMO social worker. “For now, I am obligated to place children with other [private] structures, like the orphanages.”⁸⁵

One private facility in Louga, Ahmed Madjid Orphanage, has periodically agreed to host children in urgent situations – often *talibés* – at the request of AEMO, even though it receives no government support for providing this service. At the time of Human Rights Watch’s visit in January, the orphanage hosted two runaway *talibés*, who both said they had experienced forced begging and beatings at *daaras* in Darou Mousty (a town in Louga region).⁸⁶ In November 2017, following the arrest of the five adults including one Quranic teacher in Kébémér (Louga region) on child trafficking charges, the group of *talibé* children removed from the teacher’s custody were divided up and placed at three different facilities

⁸² Human Rights Watch correspondence with staff member, Centre Polyvalent Diourbel, Senegal, January 2, 2019.

⁸³ Human Rights Watch interview with Malick Ciré Sy, Diourbel regional coordinator, RADDHO, Senegal, December 28, 2018.

⁸⁴ Human Rights Watch email correspondence and interviews with AEMO Louga social worker, Senegal, December 2018 - January 2019.

⁸⁵ Human Rights Watch interview with AEMO Louga social worker, Senegal, January 17, 2019.

⁸⁶ Human Rights Watch interview with two runaway *talibés*, ages 11-14, in Ahmed Madjid Orphanage, Louga, Senegal, January 11, 2019.

– the Ahmed Madjid Orphanage, a *daara* in Kébémér, and the Saint-Louis CPA – while their parents were traced.⁸⁷

The situation in Tambacounda region is the same: “We have no emergency children’s reception centers. In urgent cases, I am obliged to host children overnight at the office,” said an AEMO social worker.⁸⁸

Considering the pressing need for more care facilities to adequately shelter separated or abused children, the Senegalese government – as well as its national and international partners – should urgently invest in the construction and operation of new children’s centers in regions around the country. Increased support to existing shelters, such as Ginddi and the three CPAs, could also help expand their capacity and ability to assist more children in need.

For longer-term placements of separated or abandoned children, the government should consider investing in development of a national foster care system, to avoid over-emphasis on placing children in institutions. Where institutions are the only possibility, a model which emphasizes creating a “family” dynamic, housing children in small groups with one or two primary caregivers, would best support children’s development and psychosocial wellbeing.⁸⁹

Child Protection Committees: Progress and Challenges

Departmental Child Protection Committees (CDPEs) – and the local committees under their supervision – should ideally play an important role in preventing, reporting and addressing abuses against *talibés* in Senegal.⁹⁰

⁸⁷ AEMO Louga regional office, “Rapport d’activités de l’affaire de dix (10) mineurs ressortissants de la Guinée Conakry,” December 4, 2017 (document on file with Human Rights Watch).

⁸⁸ Human Rights Watch interview with government social worker, Tambacounda, Senegal, November 6, 2019.

⁸⁹ See also: p. 21-22 (“Situation-specific recommendations” on institutions), in United Nations, “Global Study on Children Deprived of Liberty,” July 11, 2019, UN doc A/74/136, <https://undocs.org/A/74/136> (accessed November 5, 2019).

⁹⁰ République du Sénégal, “Stratégie Nationale de Protection de l’Enfant - Les Dispositifs Communautaires de Protection de l’Enfance,” July 2015, available at <https://www.unicef.org/senegal/french/DISPO.pdf> (accessed September 9, 2019), p. 11.

Chaired by the prefect of the relevant administrative department, each CDPE brings together all local actors in the public, private, community and civil society sectors “whose mission has an impact on child protection,” with two individuals designated as “institutional” (state) and civil society focal points.⁹¹ Members include representatives of administrative and judicial authorities, social services, health and education services, police and gendarmerie, civil society associations, NGOs, religious organizations, and local leaders.⁹²

A key part of Senegal’s National Child Protection Strategy adopted in 2013, the CDPEs are meant to strengthen coordination to prevent abuses against children, conduct public sensitization, and establish a network for monitoring, referral and care of children in need of protection.⁹³

The CDPE system has made several advances in recent years. First, several CDPEs have proactively made use of their network to refer child abuse cases to police and social services, and some have innovated new approaches. For example, in 2019, the Pikine-Guédiawaye CDPE in Dakar piloted a UNICEF-sponsored mobile technology, RapidPro, for reporting and responding to child abuse cases as they happen. In July-August 2019, the CDPE used this technology to respond to a case of a *talibé* child severely beaten by his Quranic teacher.⁹⁴

⁹¹ République du Sénégal, “Stratégie Nationale de Protection de l’Enfant – Modèle de Structuration et de Fonctionnement des Comités Départementaux de Protection de l’Enfant,” September 2014, available at <https://www.unicef.org/senegal/french/MODEL.pdf> (accessed September 9, 2019), p. 16, 25.

⁹² République du Sénégal, “Stratégie Nationale de Protection de l’Enfant,” December 2013, available at <https://www.unicef.org/senegal/french/SNPS.pdf> (accessed September 9, 2019), p. 41 ; République du Sénégal, “Stratégie Nationale de Protection de l’Enfant – Modèle de Structuration et de Fonctionnement des Comités Départementaux de Protection de l’Enfant,” September 2014, available at <https://www.unicef.org/senegal/french/MODEL.pdf> (accessed September 9, 2019).

⁹³ Human Rights Watch email correspondence with former CDPE “focal point” for Saint-Louis, September 6, 2019; UNICEF Senegal, “Protection de l’Enfant,” June 2017, <https://www.unicef.org/senegal/french/CPROTEC.pdf> (accessed September 2, 2019).

⁹⁴ Human Rights Watch correspondence with Abdou Fodé Sow, Pikine-Guédiawaye CDPE focal point, Dakar, Senegal, August 10-18, 2019; see also: UNICEF, “Real time information – RapidPro,” <https://www.unicef.org/innovation/rapidpro> (accessed September 8, 2019).

Second, as noted in Section I of this report, the CDPEs were formally involved in the planning, family tracing, and follow-up for the government's *retrait* program in 2018.⁹⁵ Third, local committees under CDPE supervision have increasingly been set up in municipalities, districts, and villages.⁹⁶ A former CDPE member also listed several other achievements of the committees: the development of tools for collecting and sharing information, including for identifying and monitoring victims; the mapping of all child protection actors and better harmonization of their approaches; and public education campaigns.⁹⁷

However, three ongoing problems have blocked CDPEs from achieving their full effectiveness. First, some CDPEs lag behind in reporting and sharing information on abuse cases. A few CDPE focal points that spoke with Human Rights Watch between 2017 and 2019 were unaware of *talibé* child abuse cases or deaths in traffic accidents that had taken place during that period, including some that had been covered by the local press. In at least one case, the prefect was involved but had not shared a report on the relevant case with the focal point.⁹⁸

Second, civil society members of CDPEs in some localities felt that local government officials and state services regularly failed to initiate or attend meetings, fulfill their role in responding to child abuses cases, or contribute resources to the committee's activities.⁹⁹ "The CDPE only works thanks to the dynamism of civil society," said a former CDPE member.¹⁰⁰ Human Rights Watch research in Saint-Louis, Louga, and Diourbel regions in 2018 and 2019 supported this finding, observing that some state services who were part of the CDPE – notably police and administrative officials – relied on NGOs or overstretched

⁹⁵ Human Rights Watch interview with an official in the former Ministry of Good Governance and Child Protection, Dakar, Senegal, June 21, 2018.

⁹⁶ République du Sénégal, "Stratégie Nationale de Protection de l'Enfant - Les Dispositifs Communautaires de Protection de l'Enfance," July 2015, available at <https://www.unicef.org/senegal/french/DISPO.pdf> (accessed September 9, 2019); Human Rights Watch interview with CDPE focal point, Louga, Senegal, August 30, 2019; interview with Lamine Ndiaye, deputy to the mayor, chargé de la protection sociale, Saint-Louis, Senegal, January 14, 2019.

⁹⁷ Human Rights Watch email correspondence with former Saint-Louis CDPE member, September 6, 2019.

⁹⁸ Human Rights Watch interview with a CDPE focal point in Kaolack region, Senegal, December 12, 2018; interview with a CDPE focal point in Diourbel region, Senegal, May 2017.

⁹⁹ Human Rights Watch interview with Issa Kouyate, director, Maison de la Gare, Saint-Louis, Senegal, August 9, 2019.

¹⁰⁰ Human Rights Watch email correspondence with former Saint-Louis CDPE member, September 6, 2019.

AEMO social workers to do the legwork of investigating *daaras* in cases of suspected abuse or danger to *talibés*.

Third, CDPEs lack funding and resources, limiting their ability to respond to cases of child abuse, including those against *talibés*. Only a few CDPEs have reportedly received some (limited) government funding¹⁰¹; most have relied on funding from UNICEF, the EU, and other donors, or on civil society actors to mobilize resources.¹⁰² Several mayor's offices provided partial funding, resources, or technical support to District Child Protection Committees (CQPEs) under their supervision, though some noted that they were constrained by limited budgets.¹⁰³

To increase the effectiveness of the CDPE system in all regions and departments of the country, the Senegalese government should ensure that its national child protection strategy is adequately funded, that each CDPE receives the resources to implement its action plans, that administrative officials and state services increase their support to the CDPEs, and that CDPE members to follow clear protocols for reporting, tracking, and sharing information on cases of child abuse, exploitation, neglect, or endangerment – including those that involve Quranic schools.

¹⁰¹ (Human Rights Watch correspondence with CDPE focal point in Dakar, Senegal, October 10 and 15, 2019.

¹⁰² Human Rights Watch email correspondence with former Saint-Louis CDPE member, September 6, 2019; interviews with government social workers and CDPE members in Tambacounda, Diourbel, and Louga, November 6, 2019.

¹⁰³ Human Rights Watch interview with government social worker in Louga, Senegal, November 6, 2019; interview with Lamine Ndiaye, deputy to the mayor, chargé de la protection sociale, Saint-Louis, Senegal, October 31, 2019.

IV. Combatting Trafficking of Talibé Children

Human Rights Watch research suggests that hundreds of *talibé* children in 2017 and 2018 were victims of human trafficking, which under Senegalese law includes the act of harboring of children in a *daara* and exploiting them for money through forced begging, as well as the recruitment or transport of children for this purpose.¹⁰⁴ A June 2019 Human Rights Watch report also documented how some parents perpetuate such practices by repeatedly returning runaway children to abusive or exploitative *daaras*.¹⁰⁵



Key migration routes of talibé children in Senegal. Many talibés travel to Senegal from neighboring countries, including Guinea-Bissau and Gambia. © 2010 John Emerson/Human Rights Watch

¹⁰⁴ République du Sénégal, Loi n° 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes, art. 1 and 3.

¹⁰⁵ See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 63-66.

To address the many problems associated with the trafficking and movement of *talibé* children – forced begging and exploitation in *daaras* located far from home, abandonment of *talibés* by parents or Quranic teachers, and runaways that end up living on the streets – the government should take stronger action at multiple levels.

Steps Taken

Senegal and other countries of the Economic Community of West African States (ECOWAS) have taken several steps in recent years to address issues related to the vulnerability of “children on the move” in the region – a phenomenon defined by the Inter-Agency Group on Children on the Move as follows: “Children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement... might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence.”¹⁰⁶

In recent years, ECOWAS states adopted standards on the protection of children on the move (2016), a strategic framework on child protection (2017), and a “Child Policy and its Strategic Action Plan (2019-2023).”¹⁰⁷ ECOWAS designated the West Africa Network for the Protection of Children (WAN) – composed of governments and civil society organizations – as the regional “referral mechanism for the protection of children on the move,” tasked with coordinating returns of separated children among member states.¹⁰⁸

Senegal also launched a 2018-2020 national anti-trafficking plan, hosted discussions with ECOWAS states on strategies to address children on the move and in the streets, established frameworks of cooperation for return of children to neighboring states, and

¹⁰⁶ Inter-Agency Group on Children on the Move, “The UN High Level Dialogue on Migration and Development 2013: Why Children Matter,” Background Paper, April 2013, p. 2, available at https://www.savethechildren.net/sites/default/files/IAG%20CoM%20Background%20paper%20for%20CoM%20Side%20event%20Meeting_Geneva%20copy.pdf (accessed June 18, 2019).

¹⁰⁷ ECOWAS, “Launch of the Project to Support Member States in the Eradication of the ‘Children in the Street’ Phenomenon,” 2015 (document on file with Human Rights Watch); ECOWAS, *Support Procedures and Standards for the Protection and Reintegration of Vulnerable Children on the Move and Young Migrants*, 2016; ECOWAS, *Strategic Framework for Strengthening National Child Protection Systems to prevent and respond to Violence, Abuse and Exploitation against Children in West Africa*, 2017; ECOWAS, “ECOWAS moves to protect Child rights and prevent Child marriage in the region,” January 28, 2019, <https://www.ecowas.int/ecowas-moves-to-protect-child-rights-and-prevent-child-marriage-in-the-region/> (accessed May 2, 2019).

¹⁰⁸ ECOWAS, *Support Procedures and Standards for the Protection and Reintegration of Vulnerable Children on the Move and Young Migrants*, 2016, p. 3.

increased the number of police border checkpoints from 45 in 2014 to 77 in 2018, with at least two new posts constructed in 2018 along the borders with Gambia and Mali.¹⁰⁹ The National Anti-Trafficking Unit received increased funding and organized numerous trainings from 2017 to 2019 to reinforce vigilance on child trafficking, including with police and gendarmes, members of the judiciary, mayors' offices and local administrative officials, Child Protection Committees, Quranic teachers, and civil society.¹¹⁰

In October 2019, the Senegalese government announced the launch of the country's first human trafficking case law database, "Systraite." At time of writing, Systraite was in a pilot phase, collecting information in five regions: Dakar, Saint-Louis, Thiès, Kédougou, and Tambacounda.¹¹¹

Stronger Action Needed

While Senegal has taken some important steps, the government needs to more consistently enforce the 2005 national anti-trafficking law, strengthen border control to monitor the movement of *talibé* children, and tackle the root causes and factors leading parents in villages and rural areas to entrust their children to "Quranic teachers" who take them to distant cities, without appropriate guarantees.

Security forces should expand efforts in border regions to crack down on child trafficking, as well as in Senegalese cities serving as transit hubs or destinations for migrating *talibés* and *marabouts*. This should include stopping and questioning self-professed Quranic teachers or their assistants traveling with groups of children. Any individuals unable to

¹⁰⁹ Human Rights Watch interviews with Awa Ndour, National Anti-Trafficking Committee, Dakar, December 17 and 31, 2018; UN Human Rights Council, "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Senegal," August 31, 2018, UN doc A/HRC/WG.6/31/SEN/1, p. 6; Samba Niébé Ba, "Sénégal: Lutte contre la traite des personnes - Un nouveau plan triennal en gestation," All Africa, December 7, 2017, <https://fr.allafrica.com/stories/201712070726.html> (accessed May 2, 2019); US Department of State, "Senegal: Tier 2 Watch List," *2018 Trafficking in Persons Report*, June 28, 2018, <https://www.state.gov/reports/2018-trafficking-in-persons-report/senegal/> (accessed May 28, 2019).

¹¹⁰ US Department of State, "Senegal: Tier 2 Watch List," *2018 Trafficking in Persons Report*, June 28, 2018, <https://www.state.gov/reports/2018-trafficking-in-persons-report/senegal/> (accessed May 28, 2019); Human Rights Watch interviews with Awa Ndour, National Anti-Trafficking Committee, Dakar, December 17 and 31, 2018.

¹¹¹ See: International Organization for Migration (IOM), "First Human Trafficking Case Law Database Launched in Senegal," October 25, 2019, <https://www.iom.int/news/first-human-trafficking-case-law-database-launched-senegal> (accessed October 26, 2019);

provide identification and parental authorization for each child they are travelling with, as well as credentials or proof of their profession, should be subject to further investigation.

“The state already inspects vehicles crossing the border to see if they’re in order, so they should also investigate why children are migrating or traveling, for example from Guinea Bissau all the way to Dakar,” said Alassane Diagne of the Empire des Enfants children’s center in Dakar, which frequently receives runaway *talibés* originating from other regions and countries. “They need to crack down on this and involve all the law enforcement agencies – the police, the gendarmes. They should be stricter every time they see children traveling, to ask ‘who are you, where are you going, who is with you?’”¹¹²

In parallel, to address some of the factors influencing families to send their children away to distant *daaras*, the Senegalese government should take steps to increase children’s access to education nation-wide (including by removing school fees and indirect costs); expand programs creating opportunities for youth in rural areas (associations, apprenticeships, training); and scale up public sensitization about human trafficking risks and laws. In particular, Senegal should consider running a national public information campaign – with emphasis on rural areas, and ideally in collaboration with neighboring governments – to inform parents of the risks facing children who have migrated to attend *daaras* in distant cities.

¹¹² Human Rights Watch interview with Alassane Diagne, Coordinator of Empire des Enfants, Dakar, Senegal, June 18, 2018.

V. Justice for Abuses

Long considered to be above the law due to their strong social influence in Senegal, Quranic teachers committing acts of child abuse, exploitation, or endangerment have increasingly faced investigation and prosecution in recent years – notably since 2017, with several dozen cases adjudicated by Senegal’s courts between 2017 and 2019.¹¹³ That said, the number of investigations and prosecutions overall remained low relative to the widespread nature of the abuses.

Talibé children have three main options for access to justice: anyone can report an offence against a child to the public prosecutor; parents can file an official complaint; or public prosecutors can open an “ex officio” investigation.¹¹⁴ In cases of human trafficking, an association may also file a criminal complaint on behalf of the child.¹¹⁵

However, hundreds of thousands of *talibés* live in *daaras* far from home, with family members either unaware of the abuse or unable or unwilling to commence legal proceedings. Additionally, a number of challenges at the judicial, police, social worker, and governmental levels have continued to pose barriers to *talibé* children’s access to justice or impede the effective administration of justice.

While civil society activists applauded the increasing number of judicial cases against abusive Quranic teachers, many lamented to Human Rights Watch that the number was still far too small to deter future abusers. Some noted how rarely the police initiated

¹¹³ Senegal’s key domestic laws protecting talibé children from violence, sexual abuse, willful neglect, endangerment, unlawful imprisonment, and human trafficking (including the “exploitation of the begging of another” and “migrant smuggling”) include the following: République du Sénégal, “Code Pénal,” Loi no. 65-60 du 21 juillet 1965, art. 298-299, 307, 321, and 334; Loi no. 99-05 du 29 janvier 1999 modifiant le Code Pénal, art. 319-320bis; Loi no. 2016-29 du 8 novembre 2016 modifiant le Code Pénal, art. 307 bis; Loi n° 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes, art. 1, 3 and 4.

¹¹⁴ Human Rights Watch interview and correspondence with Justice Ministry official, Dakar, Senegal, November 25, 2019; interview with DESPS official, Ministry of Justice, Dakar, Senegal, November 26, 2019, Dakar, Senegal.

¹¹⁵ In cases of human trafficking, an association or public service providing care for victims can “*se constituer partie civile*” (according to the French legal term) to file a criminal complaint on a child’s behalf or represent the child in court. Human Rights Watch interview and correspondence with Justice Ministry official, Dakar, Senegal, November 25-26, 2019; République du Sénégal, Loi no. 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes, art. 16-17.



This 8-year-old talibé child ran away from his daara in Saint-Louis with chains still attached to his feet in August 2017. Original photo taken August 2017. Published with permission from the High Court of Saint-Louis, Senegal

investigations, despite the fact that – with thousands of *talibés* begging in the streets – “it’s exploitation in plain sight.”¹¹⁶

Social workers said that hundreds of child abuse victims, including *talibés*, pass through the child protection system each year without triggering formal investigations into those who subjected them to abuse.¹¹⁷ They also noted how the failure to incorporate a justice component into the government program to “remove children from the streets” (the *retrait*) from 2016 to 2018 squandered an opportunity for deterrence, as noted in Section I of this report.¹¹⁸

The national increase in prosecutions for violations against *talibé* children marks an important step forward. However, in order for the threat of legal

consequences to serve as a larger-scale deterrent to abuse, Senegalese authorities need to more proactively and consistently enforce existing laws to protect *talibé* children nationwide.

Progress on Investigations and Prosecutions

The positive trend towards increased enforcement of the law against abusive Quranic teachers in recent years has been evident on several levels, according to Human Rights Watch’s analysis and interviews with Senegalese experts in the child protection, judicial, and policy sectors from 2017 to 2019. Human Rights Watch found that cases were more regularly referred to the police or courts for investigation by child protection services and the public; the police – to some extent – demonstrated increased willingness to arrest Quranic teachers suspected of abuse; an increasing number of these cases were

¹¹⁶ Mamadou Wane (president of PPDH), “LA SOCIÉTÉ EST COMPLICE DU PHÉNOMÈNE DE LA MENDICITÉ DES ENFANTS,” SenePlus, August 18, 2019, <https://www.seneplus.com/seneplus-tv/95-des-enfants-de-la-rue-sont-forcees-de-mendier-quotidiennement> (accessed September 5, 2019).

¹¹⁷ Human Rights Watch interviews with Senegalese social workers, child protection experts, judicial officials, and government officials in Dakar, Diourbel, Louga, Saint-Louis, Thies, Koalack, and Tambacounda regions, Senegal, 2017-2019.

¹¹⁸ Ibid.

adjudicated by the courts; and public prosecutors increasingly opened investigations of their own initiative, when children's parents were not present or were unwilling to file complaints.

Experts credited the rise in investigations and prosecutions to a combination of increased reporting by the local press on abuses against *talibés*; the impact of public sensitization by child protection committees and NGOs; training of judicial officials and law enforcement officers; and increased international and national pressure to take action on abuses against children.¹¹⁹

“Investigations, prosecutions and verdicts against [abusive] Quranic teachers have increased... according to the statistics collected covering the period 2017-2019,” said Moustapha Ka, who was Director for Human Rights in Senegal's Justice Ministry during that period. “At least around 10 convictions for the exploitation of begging of others have been identified.”¹²⁰

Human Rights Watch research found that at least 10 Quranic teachers were prosecuted for abuses against *talibés* during 2015 and 2016 (four in 2015 and six in 2016), resulting in at least five convictions.¹²¹ There may have been additional cases during that period for which Human Rights Watch did not receive information.

In 2017 and 2018, these figures increased: at least 25 judicial investigations into alleged abuses against male and female *talibé* children by Quranic teachers or their assistants were opened during that period in eight administrative regions, leading to at least 21 prosecutions and 18 convictions. Twelve of these convictions took place in 2017. Human trafficking prosecutions increased from previous years and accounted for 7 of the 18 convictions.

¹¹⁹ Human Rights Watch interviews with Senegalese social workers, child protection experts, judicial officials, and government officials in Dakar, Diourbel, Louga, Saint-Louis, Thies, Koalack, and Tambacounda regions, Senegal, 2017-2019.

¹²⁰ Human Rights Watch email correspondence with Moustapha Ka, former director, Human Rights Directorate, Ministry of Justice, Senegal, May 16, 2019.

¹²¹ Human Rights Watch monitoring and verification of credible news reports and interviews with judicial officials, social workers, and child protection actors in Senegal, 2015-2016.

In 2019, at least seven Quranic teachers were convicted of abuse, including one charged with both abuse and trafficking. Human Rights Watch requested further information on 2019 cases from the Justice Ministry but had not received a response by time of writing.

Cases adjudicated in 2017-2019 for which Human Rights Watch received information are listed below. There were several additional cases mentioned by judicial officials and government social workers in several regions which Human Rights Watch was unable to verify in detail, and these have not been included in the charts below. Other prosecutions and convictions involving Quranic teachers during this period may have gone unreported.

<i>2019 Convictions</i>	
At time of writing, Human Rights Watch was aware of the convictions of at least seven Quranic teachers in 2019:	
1. Ziguinchor	A Quranic teacher who had beaten and tied up a <i>talibé</i> child of around 9-10 years old in February 2019 was convicted of assault and sentenced to three months in prison, according to local social workers. ¹²²
2. Mpal, Saint-Louis region	After the severe beating of a <i>talibé</i> in the town of Mpal led to the child's death in May 2018, the child's Quranic teacher was convicted in February 2019 of "assault and battery inducing unintentional death," sentenced to two years in prison. ¹²³
3. Pikine, Dakar	A Quranic teacher was convicted of assault and battery and sentenced to three months in prison, following the severe beating in July 2019 of a 10-year-old <i>talibé</i> who had "wounds all over his body and scars from previous beatings," according to a social worker involved in the case. ¹²⁴
4. Touba, Diourbel region	In July 2019, a Quranic teacher who had raped two of his female Quranic students, ages 8 and 10, was convicted of "rape of minors under the age of 13 and pedophilia, with the circumstance that the perpetrator had authority over the victims." He was sentenced to 10 years in prison. ¹²⁵

¹²² Human Rights Watch interview with government social workers in Ziguinchor, Senegal, November 16 and 22, 2019.

¹²³ Human Rights Watch interview with judicial official, Saint-Louis High Court, Senegal, March 20, 2019; Saint-Louis Court of Appeals, Prosecutor's Office, "Etat Traite des Personnes," 2018 (on file with Human Rights Watch).

¹²⁴ Human Rights Watch interview with government social worker, Dakar, November 23, 2019.

¹²⁵ Human Rights Watch correspondence with judicial official, Diourbel High Court, Senegal, November 27, 2019.

5. Saint-Louis	A Quranic teacher who beat a <i>talibé</i> child for stealing in September 2019 was convicted of “assault and battery of a minor by a person having authority over him,” as well as human trafficking (“exploitation of begging”). He was sentenced to two years’ probation and a fine of 50,000 CFA (US\$85). ¹²⁶
6. Mbour, Thiès region	A Quranic teacher was convicted of the rape of an 8-year-old female Quranic student in November 2019 and sentenced to 10 years in prison and a fine of 500,000 CFA (\$850), according to a social worker. ¹²⁷
7. Ndiagne, Louga region	A Quranic teacher who had chained up several <i>talibé</i> children in his <i>daara</i> in November 2019 was convicted of “violence and assault against a minor and endangerment of the lives of others” in December 2019 and sentenced to two years of probation. ¹²⁸
<i>2019 Ongoing Investigations, Prosecutions</i> The legal proceedings of at least two other serious cases, involving three Quranic teachers, were reportedly ongoing at time of writing:	
1. Saint-Louis	Prosecution of a Quranic teacher and his assistant for endangerment and manslaughter, following the deaths of two <i>talibé</i> children in November 2018 due to untreated malaria. ¹²⁹
2. Malicounda, Thiès region	Judicial investigation into a <i>talibé</i> child’s death in April 2019, allegedly due to a beating by his Quranic teacher. ¹³⁰

¹²⁶ Human Rights Watch correspondence with judicial official, Saint-Louis High Court, Senegal, September 25-26, 2019.

¹²⁷ Human Rights Watch interview and email correspondence with former government social worker, Thiès, Senegal, November 22, 2019.

¹²⁸ Human Rights Watch interview with Mamadou Wane, president of PPDH, Dakar, Senegal, December 4, 2019. See also: Agence de Presse Sénégalaise, “Affaire des ‘talibés’ enchaînés : le maître coranique condamné à deux ans de prison avec sursis,” December 4, 2019, <http://www.aps.sn/actualites/societe/article/affaire-de-ndiagne-le-maitre-coranique-cheikhouna-gueye-condamne-a-2-ans-de-prison-avec-sursis> (accessed December 4, 2019); Ouest-France / AFP, “Prison avec sursis pour l’instituteur d’une école coranique où des enfants étaient enchaînés,” December 4, 2019, <https://www.ouest-france.fr/monde/senegal/senegal-prison-avec-sursis-pour-l-instituteur-d-une-ecole-coranique-ou-des-enfants-etaient-enchaines-6638557> (accessed December 4, 2019); *Le Monde*, “Ecoles coraniques au Sénégal : l’image d’un enfant enchaîné délie les langues,” December 2, 2019, https://www.lemonde.fr/afrique/article/2019/12/02/ecoles-coraniques-au-senegal-l-image-d-un-enfant-enchaîne-délie-les-langues_6021319_3212.html?utm_medium=Social&utm_source=Twitter#Echobox=1575284284 (accessed December 2, 2019).

¹²⁹ Human Rights Watch interviews with judicial official, Saint-Louis High Court, Senegal, December 26, 2018, March 20, 2019, and June 5, 2019; phone interview with Baye Modou Diop, coordinator, AEMO Saint-Louis, Senegal, December 27, 2018; interview with Issa Kouyaté, director of the Maison de la Gare children’s center in Saint-Louis, December 11, 2018. See also: “Mort de deux talibés à CITÉ NIAKH : Ce que révèlent les analyses,” *Senegal7*, November 23, 2018, <https://www.senegal7.com/mort-de-deux-talibes-a-cite-niakh-ce-que-revelent-les-analyses/> (accessed November 26, 2018); “Drame – Décès de deux talibés : la thèse du Paludisme avancée,” *MetroDakar*, November 22, 2018, <https://www.metrodakar.net/societe/drame-deces-de-deux-talibes-la-these-du-paludisme-avancee/> (accessed November 26, 2018).

¹³⁰ Human Rights Watch interview with government social worker, Mbour, Thiès region, September 4, 2019.

2018 Convictions

The six known convictions of Quranic teachers or their assistants in 2018 for abuses against *talibés* included two convicted for “exploitation of the begging of others” under the 2005 anti-trafficking law; two for rape; one for assault; and one for manslaughter. Five perpetrators were reportedly Quranic teachers and one was a teacher’s assistant (*grand talibé*).

1. Saint-Louis	A Quranic teacher who had forced his <i>talibés</i> to beg was convicted in January 2018 of “exploitation of begging” and sentenced to a fine of 200,000 francs CFA (\$340). ¹³¹
2. Kaolack	A Quranic teacher was reportedly convicted of “violence, assault, and exploitation of begging” against an 8-year-old <i>talibé</i> in January 2018 and sentenced to six months in prison and three years’ probation. ¹³²
3. Touba, Diourbel region	A Quranic teacher who raped an 11-year-old female Quranic student in January 2018 was convicted of rape in March 2018 and sentenced to 2 years in prison. ¹³³
4. Karang, Fatick region	A Quranic teacher who raped a female Quranic student in March 2018 was convicted of “rape of a minor under 13 years old and pedophilia,” and sentenced to 10 years in prison and a fine of 2 million francs CFA (\$3,400). ¹³⁴
5. Touba, Diourbel region	A Quranic teacher’s assistant severely beat an 11-year-old <i>talibé</i> in April 2018, causing the child to fall and hit his head, leading to his death, according to a judicial official in Diourbel. The assistant was convicted of manslaughter and sentenced to six months in prison. ¹³⁵
6. Tambacounda	A Quranic teacher who imprisoned and abused a <i>talibé</i> as punishment for running away was convicted in June 2018 of “premeditated violence and assault on a child under age 15, where the perpetrator has authority over the victim.” He received a sentence of two years’ probation. ¹³⁶

¹³¹ Court of Saint-Louis, *The Public Prosecutor and Ibrahima Diallo, Abdoulaye Diallo, & Mamadou Gueye v. Bilal Diallo*, Ordinary Public Hearing: January 18, 2018, no. 43 du jugement, no. 50/18 du parquet (on file with Human Rights Watch).

¹³² Human Rights Watch email correspondence with judicial official, Tribunal de Grande Instance de Kaolack, Senegal, March 20, 2019; email correspondence with Moustapha Ka, former Director for Human Rights, Ministry of Justice, Dakar, Senegal, May 31 and June 1, 2019.

¹³³ Human Rights Watch interview with judicial official, Diourbel High Court, Diourbel, Senegal, June 25, 2018, and email correspondence, June 29, 2018.

¹³⁴ High Court of Fatick, Office of the Public Prosecutor, Kaolack Court of Appeals, “Etat de poursuites concernant les maîtres coraniques pour exploitation sous forme de traite des personnes, violences de tout genre ou homicides commis sur leurs élèves appelés ‘talibés’: Courant année 2018,” (document on file with Human Rights Watch).

¹³⁵ Human Rights Watch interview with judicial official, Diourbel High Court, Diourbel, Senegal, June 25, 2018, and email correspondence, June 29, 2018.

¹³⁶ High Court of Tambacounda, Office of the Prosecutor, Kaolack Court of Appeals, “Informations et données statistiques sur des cas de violences ou abus ou trafic de migrants à l’égard du mineurs commis par leurs maîtres coraniques ou enseignants”: 2012-2018 (document on file with Human Rights Watch).

2017 Convictions

At least 12 Quranic teachers or their assistants were convicted for abuses against *talibé* children in 2017: five for human trafficking (“exploitation of begging”), four for sexual abuse-related charges (two for rape, one for “pedophilia,” and one for “defilement of a minor”), two for assault, and one for “endangerment.” Ten were Quranic teachers and two were *grand talibés*.

1. Parcelles Assainies, Dakar	A Quranic teacher who had beaten a talibé to death in June 2016 was convicted in January 2017 of “assault and battery inducing unintentional death” and sentenced to two years in prison. ¹³⁷
2. Darou Mousty, Louga region	A Quranic teacher who had tied up a <i>talibé</i> in a <i>daara</i> , leading to the boy’s death in a fire in December 2016, was convicted in January 2017 of child endangerment. He was sentenced to three years in prison. ¹³⁸
3. Balacoss, Saint-Louis	In February 2017, a <i>grand talibé</i> (age 17 at the time) who had sexually abused one or more younger <i>talibé</i> children was convicted of “pedophilia” and sentenced to one year in prison. ¹³⁹
4. Keur Mbaye Fall, Dakar	In March 2017, a Quranic teacher who had raped three <i>talibés</i> around the age of 12 was reportedly convicted and sentenced to 10 years in prison and 5 million francs CFA (\$8,500) in fines. ¹⁴⁰
5. Touba, Diourbel region	In May 2017, a Quranic teacher accused of attempted sexual abuse against several <i>talibé</i> children was convicted of “defilement of a minor” and sentenced to six months prison. ¹⁴¹

¹³⁷ Human Rights Watch interviews with Mamadou Wane, president of PPDH, and Magatte Mbaye, consultant for the Association des Juristes Sénégalaises, May and June 2017; interviews with judicial official, Diourbel High Court, Diourbel, Senegal, June 2017. See: “Senegal: New Steps to Protect Talibés, Street Children,” Human Rights Watch news release, July 28, 2016, <https://www.hrw.org/news/2016/07/28/senegal-new-steps-protect-talibes-street-children>.

¹³⁸ High Court of Louga, Saint-Louis Court of Appeals, “Tableau de Synthèse – Parquet de Louga,” 2018 (on file with Human Rights Watch). See: Human Rights Watch, “*I Still See the Talibés Begging*”: Government Program to Protect Talibé Children in Senegal Falls Short, July 11, 2017, <https://www.hrw.org/report/2017/07/11/i-still-see-talibes-begging/government-program-protect-talibe-children-senegal>, p. 27.

¹³⁹ Human Rights Watch interview with judicial official, High Court of Saint-Louis, Senegal, August 7, 2018; interviews with Issa Kouyate, director, Maison de la Gare, Saint-Louis, Senegal, June 2017. See: “*I Still See the Talibés Begging*,” p. 31.

¹⁴⁰ Human Rights Watch interviews with Magatte Mbaye, consultant, Association des Juristes Sénégalaises, May and June 2017. See: “*I Still See the Talibés Begging*,” p. 31.

¹⁴¹ Human Rights Watch interviews with judicial official, High Court of Diourbel, Senegal, June 2017. See: “*I Still See the Talibés Begging*,” p. 31-32.

6. Darou Salam, Diourbel region	A <i>grand talibé</i> who beat a 10-year-old <i>talibé</i> , leading to the child's death in March 2017, was convicted In November 2017 of "assault and battery causing unintentional death" and sentenced to five years of hard labor. ¹⁴²
7. Dakar	Following a joint anti-trafficking operation by Interpol and Senegalese police in November 2017, which removed 54 children including 47 <i>talibés</i> from the streets, five Quranic teachers were convicted for "exploitation of the begging." Four were sentenced to two months of prison, and one was sentenced to two years' probation with 15 days in prison. ¹⁴³
8. Diourbel	In December 2017, a Quranic teacher who had raped two <i>talibés</i> (one age 15, one under age 13) was convicted of "rape of a minor, acts against nature, pedophilia, and defilement of a minor" and sentenced to 10 years in prison. ¹⁴⁴

Human Trafficking Investigations and Prosecutions

Prosecutions for forced begging have generally remained rare despite Senegal's 2005 national anti-trafficking law, which criminalized "exploitation of begging" as well as "migrant smuggling."¹⁴⁵ The decade following its passage saw only a handful of prosecutions of Quranic teachers under this law. However, beginning in 2017, investigations and convictions under this law in relation to exploitation by Quranic teachers increased.

In the span of just three months between November 2017 and January 2018, at least eight Quranic teachers were arrested and referred to the public prosecutor's office for allegations of human trafficking – one for "child smuggling" (Kébémér, in Louga region) and seven for "exploitation of begging" (in Saint-Louis, Kaolack and Dakar regions). Of these, the latter seven individuals were prosecuted and convicted. The Quranic teacher

¹⁴² Human Rights Watch email correspondence with Malick Sy, Diourbel regional coordinator, RADDHO, June 28, 2018; interviews with judicial official, High Court of Diourbel, June 2017. See: *"I Still See the Talibés Begging,"* p. 27.

¹⁴³ Human Rights Watch email correspondence with Moustapha Ka, former Director for Human Rights, Ministry of Justice, Dakar, Senegal (forwarded correspondence from a public prosecutor in Dakar), December 17, 2018.

¹⁴⁴ Human Rights Watch interview with judicial official, High Court of Diourbel, Senegal, June 25, 2018, and email correspondence, June 29, 2018. See also: "Diourbel - 10 ans ferme pour le maître coranique qui violait son 'Talibé,'" *Seneweb*, December 28, 2017, http://www.seneweb.com/news/Justice/diourbel-10-ans-ferme-pour-le-maitre-cor_n_234536.html (accessed January 5, 2019); "Viol sur mineur à Diourbel : le maître coranique écope 10 ans de prison ferme," *PressAfrik*, December 29, 2017, https://www.pressafrik.com/Viol-sur-mineur-a-Diourbel-le-maitre-coranique-ecope-10-ans-de-prison-ferme_a175343.html (accessed June 5, 2018).

¹⁴⁵ République du Sénégal, Loi n° 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes, art. 1, 3 and 4.

investigated for child smuggling in Kébémér – who had been traveling north with nine mostly Guinean *talibé* children – was released without charge. Police operations related to these cases removed over 60 children between the ages of 6 and 17 – mostly *talibés* – from the custody of their Quranic teachers.¹⁴⁶

At least one other trafficking case involving a Quranic teacher was adjudicated in 2019 – the *marabout* convicted of assault and “exploitation of begging” in Saint-Louis in September 2019.¹⁴⁷

Challenges for Justice

Based on interviews with social workers, child protection experts, police, government and judicial officials, and civil society activists in multiple regions of Senegal since 2017, Human Rights Watch has identified four key factors undermining more consistent accountability for *marabouts* who violate children’s rights.

The first factor is the failure of many members of the police and judiciary to proactively open investigations, as well as the failure of many social workers and parents to report cases of *talibé* abuse to the police or prosecutor. Second is the demonstrated tendency of judicial officials – public prosecutors and judges – to drop or amend charges or reduce sentences against Quranic teachers, in several cases due to political and social pressure. Third is the lack of accessible legal aid services for vulnerable children, which hinders their access to justice. Finally, the national political will in Senegal to acknowledge abuses in *daaras* and push for justice has remained limited in recent years.

¹⁴⁶ Human Rights Watch email correspondence with Moustapha Ka, former Director for Human Rights, Ministry of Justice, and public prosecutor, Senegal, December 17, 2018; AEMO Louga regional office, “Rapport d’activités de l’affaire de dix (10) mineurs ressortissants de la Guinée Conakry,” December 4, 2017 (on file with Human Rights Watch); Commissariat Urbain de Kébémér, Direction Generale de la Police Nationale, “Proces-Verbal,” November 29, 2017 (on file with Human Rights Watch); Human Rights Watch interview with National Anti-Trafficking Committee member, Dakar, Senegal, June 10, 2018; interview with judicial official, High Court of Louga, Senegal, January 11, 2019; interview with judicial official, High Court of Saint-Louis, Senegal, June 28, 2018; High Court of Saint-Louis, *The Public Prosecutor and Ibrahima Diallo, Abdoulaye Diallo, & Mamadou Gueye v. Bilal Diallo*, Ordinary Public Hearing: January 18, 2018, no. 43 du jugement, no. 50/18 du parquet (on file with Human Rights Watch); Human Rights Watch email correspondence with public prosecutor, Tribunal de Grande Instance de Kaolack, Senegal, March 20, 2019. For more on the Kébémér case, see Human Rights Watch, “*There Is Enormous Suffering*,” p. 56-62.

¹⁴⁷ Human Rights Watch correspondence with judicial official, High Court of Saint-Louis, September 25-26, 2019.

1. First Steps: Multi-Level Failures to Investigate or Report Abuses

In numerous cases documented by Human Rights Watch, police or social workers had reason to believe *talibés* were exploited or abused by Quranic teachers, but made no effort to investigate, visit the *daaras*, or refer the cases for legal action. Citing the overwhelming scale of the problem and their limited resources, several social workers, police officers, and judicial officials interviewed said they or their colleagues often reported, referred or investigated only the most severe *talibé* cases – such as deaths or sexual abuse. They universally agreed that the more widespread abuses in the form of forced begging and beatings rarely led to investigations or prosecutions.¹⁴⁸

For example, during the 2018 phase of the government’s *retrait* program, the police picked up *talibé* children who were begging and brought them to a shelter, but failed to visit to children’s *daaras* or investigate their *marabouts*.¹⁴⁹ Others aware of the forced begging – social workers, the judiciary (in relation to the “temporary custody” process), and the children’s parents – likewise failed to push for investigations.

By not ensuring formal investigations when a *talibé* indicates that a Quranic teacher may be committing forced child begging or abuse, these parties are not only failing to uphold the law, but failing to protect the remaining children in the *daara* from potential abuse.

1.1. The Police: Reluctance to Investigate or Arrest Quranic Teachers

In addition to failure of the police to investigate forced begging during the *retrait* program in Dakar, police in several other regions regularly failed to investigate cases involving *talibé* children in 2017 and 2018, according to social workers and Human Rights Watch’s observations.

For example, in Louga in January 2019, a Human Rights Watch researcher and a member of PPDH arrived at the scene of a traffic accident after a *talibé* child was hit and injured by a motorcycle in the street, during the hours he was reportedly forced to beg.¹⁵⁰ When the researcher followed up with a Louga police officer to ask about an investigation, the officer grew annoyed and replied, “If victim doesn’t complain to the police, it’s not our

¹⁴⁸ Human Rights Watch interviews with Senegalese social workers, child protection experts, judicial officials, and government officials in Dakar, Diourbel, Louga, Saint-Louis, Thiès, Koalack, and Tambacounda regions, Senegal, 2017-2019.

¹⁴⁹ Human Rights Watch interview with police commissioner, Urban Safety Division of the National Police, Dakar, Senegal, August 7, 2018.

¹⁵⁰ See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 33.

responsibility.” He listed everyone else that should act, rather than the police: the child himself – regardless of the fact that he was a victim and a child; the child’s parents, who were unreachable at the time; Human Rights Watch, who had already provided the information; the prosecutor’s office – whom the officer did not plan to inform. “It’s not up to me to say if it’s forced begging,” he insisted. “I’m very busy, I don’t have time for this.”¹⁵¹

In Saint-Louis, the director of a small association providing assistance to vulnerable and abused children told Human Rights Watch that he had grown discouraged after years of denouncing child abuses cases with no response from the police, whom he felt lacked motivation to investigate cases involving the most marginalized children:

If you don’t bring [the alleged perpetrators] to the police, they won’t move to go get them. And why would the person who did it ever cooperate to go to the police? ...I have gotten very discouraged... What can you do for these children? Denounce [the abuse], but to who? If you tell the community leader, and he informs the police, they don’t act... If the state crosses its arms – what can we do? Sometimes I have even denounced rape cases, and nothing happened. People know there will be no consequences.¹⁵²

Several police sources interviewed by Human Rights Watch acknowledged that cases of forced begging were rarely referred to the judiciary, but attributed this to their limited resources and personnel for child protection work, as well as the difficulty of gathering evidence to prove “exploitation.”¹⁵³

When asked what evidence was needed, two police sources said that a child’s word was enough to launch an investigation, but not enough to proceed to an arrest. The first, a police commissioner in Dakar, said that either direct observation of the children giving money to the *marabout* – a near-impossible standard of proof – or testimonies

¹⁵¹ Human Rights Watch interview with police officer, Louga, Senegal, January 17, 2019.

¹⁵² Human Rights Watch interview with director of a local association assisting child victims, Saint-Louis, Senegal, January 14, 2019.

¹⁵³ Human Rights Watch interview with police commissioners in Saint-Louis and Dakar, Senegal, June 28, 2018 and December 5, 2018.

corroborated from several *talibés* or their neighbors would be required for an arrest or prosecution.¹⁵⁴ The second source, a police commissioner in Saint-Louis, described the challenges of gathering evidence of “exploitation of begging”:

Anyone can make a denunciation. Once they do, we’ll do an investigation... If someone signals that there is a *daara* with a problem, we infiltrate it in plainclothes, under a pretext... You’re not supposed to question a child without the presence of a parent, and without the parents, the *marabout* is the guardian – this is why it’s difficult...

When a *marabout* lets [the *talibés*] beg for food, or money for their small needs, we don’t say this *marabout* is culpable. But when there is a *marabout* who says, “Don’t bring cookies, rice or sugar, bring me money,” then we can determine that it’s child exploitation. We do discreet surveillance to learn his practices... we cannot act on the word of just one child. We need several *talibés* to confirm the story... when several *talibés* say the same thing, then we can convoke the *marabout*.¹⁵⁵

1.2. The Judiciary: Missed Opportunities to Open Investigations

While some public prosecutors have increasingly opened investigations of their own initiative into cases of *talibé* abuse or exploitation in recent years, such action still remains limited in reference to the scale of the problem. “Certainly... there are cases of people who have been brought before the courts,” said Mamadou Wane, president of PPDH. “But [public prosecutors] should take up cases of their own initiative and prosecute the perpetrators... The state must enforce the law.”¹⁵⁶

¹⁵⁴ Human Rights Watch interview with police commissioner, Special Juveniles Unit, Urban Safety Division of the National Police, Dakar, Senegal, December 5, 2018.

¹⁵⁵ Human Rights Watch interview with police commissioner, Saint-Louis, Senegal, June 28, 2018.

¹⁵⁶ Mamadou Wane, “LA SOCIÉTÉ EST COMPLICE DU PHÉNOMÈNE DE LA MENDICITÉ DES ENFANTS,” SenePlus, August 18, 2019, <https://www.seneplus.com/seneplus-tv/95-des-enfants-de-la-rue-sont-forcees-de-mendier-quotidiennement> (accessed September 5, 2019).

Several public prosecutors told Human Rights Watch that due to their overwhelming caseload, they generally needed *talibé* cases to be referred to them in order to open investigations. They also cited the complexity of the allegation of the “exploitation of begging,” noting that there must be proof that a Quranic teacher enforces a money quota.¹⁵⁷

One public prosecutor – known for his willingness to initiate investigations and prosecutions of abusive Quranic teachers – suggested using creative strategies to open forced begging cases: “It would be very complicated to just grab any *talibé* on the street and prosecute the teacher for trafficking, so I look for other opportunities – even traffic accidents, if the child was in the street because he was forced to beg,” he said. As another example, he said, a *talibé* in conflict with the law for stealing opens a window to investigate whether the child was attempting to meet a forced begging quota.¹⁵⁸



A *talibé* child studies the Quran in a daara in Touba, while another child looks on. Behind them is a makeshift tent where some of the children slept on night, on the sandy ground. January 8, 2019. © 2019 Lauren Seibert/Human Rights Watch

Unfortunately, such proactivity is the exception rather than the rule. Public prosecutors in all regions should make it standard practice to investigate any *talibé* deaths or injuries in traffic accidents or *daara* fires that come to their attention, as well as cases of *talibés* committing theft, in order to assess potential endangerment, exploitation or neglect by Quranic teachers.

Another frequently missed opportunity for investigating abuses against *talibé* children is the judicial “temporary custody” process for children that are separated from their

¹⁵⁷ Human Rights Watch interviews with public prosecutors in Diourbel, Saint-Louis and Louga regions, Senegal, June 2018 and January 2019.

¹⁵⁸ Human Rights Watch interview with a public prosecutor, Senegal, June 2018.

parents, runaways, victims of abuse, or in conflict with the law. For a child in Senegal to be legally placed in the care of any facility while family members are traced, a “Temporary Custody Order” (*Ordonnance de Garde Provisoire*, OGP) must be obtained from a juvenile court.

An AEMO social worker and a juvenile court judge described the process to Human Rights Watch as follows: a social worker from a child protection agency or facility submits an incident report to the local juvenile court judge, who holds a session to consider the report and the child’s placement; then an OGP signed by the judge and the public prosecutor’s office is provided to the facility taking charge of the child.¹⁵⁹ According to the juvenile court judge interviewed, the social worker generally submits a follow-up report as well. “When I see abuse mentioned in a report, I inform the public prosecutor’s office, but I can’t go further. It’s the prosecutor’s office that must act in those cases,” she said.¹⁶⁰

Considering that hundreds of children pass through this system each year, it is unclear why the process does not automatically trigger investigations in cases where social workers suspect a child was exploited or mistreated at a *daara*.

1.3. Child Protection Services: Failure to Report Abuse

The judiciary’s job is made more difficult by the fact that both state and non-governmental child protection workers often fail to report most cases of forced begging – and some cases of abuse – to the police or public prosecutor.

As noted previously, social workers described being overwhelmed with cases and constrained by limited resources and personnel, which they said forced them to focus on the “most urgent” situations – severe abuse, sexual violence, death – with “less severe” beatings, forced begging, or neglect coming last.¹⁶¹

¹⁵⁹ Human Rights Watch interviews with AEMO social worker and Juvenile Court judge, Senegal, January 11 and 14, 2019.

¹⁶⁰ Human Rights Watch interview with Juvenile Court judge, Senegal, January 14, 2019.

¹⁶¹ Human Rights Watch interviews with social workers in Dakar, Diourbel, Mbacke, Saint-Louis, and Louga, June 2018 and January 2019.

Some social workers stated they preferred mediation techniques to resolve what they deemed “less severe” cases.¹⁶² “Most serious cases are prosecuted, but other cases – they [Quranic teachers] might be arrested, summoned, warned, but I preferred discussions and reprimands over sanctions,” said a former social worker in Thiès. “There were some cases of abuse... that we sorted out at our level. We don’t always notify the prosecutor – we are social workers.”¹⁶³

Other social workers appeared to limit their mandate to extracting the child from an abusive situation, laying the responsibility for legal action elsewhere. “It’s not up to us to refer those cases [to the prosecutor], it’s up the police,” said another social worker in Thiès. “We will go to investigate... often we will notify the representatives of the prosecutor – but not to refer [the Quranic teacher], just for the protection of the child.”¹⁶⁴

Increased resources and personnel would help struggling state child protection services better fulfill their mandate. The government should also instruct social workers and child protection committees to immediately notify the police or public prosecutor of any cases of suspected *talibé* abuse, forced begging or neglect. This should include all cases where *talibé* children said they were beaten or had a begging quota; where a Quranic teacher failed to ensure timely medical treatment for a sick or injured child; and where *talibés* were injured or killed in a car accident while begging or in a *daara* fire while the *marabout* was absent.

1.4. Parents: Failure to File Complaints

Child protection workers and judicial officials in several regions told Human Rights Watch that parents rarely file official complaints against abusive Quranic teachers. Reasons for this were said to include the family’s financial circumstances, strong cultural norms, and the social influence of the Quranic teacher.¹⁶⁵

¹⁶² Human Rights Watch interviews with social workers at children’s centers and AEMO services in Dakar, Saint-Louis, Diourbel, Mbacke, and Thiès, June 2018, December 2018 and January 2019.

¹⁶³ Human Rights Watch interview with former social worker, Thiès, Senegal, December 11, 2018.

¹⁶⁴ Human Rights Watch interview with social worker, Thiès, Senegal, January 4, 2019.

¹⁶⁵ Human Rights Watch interview with AEMO social worker, Diourbel region, Senegal, January 9, 2019; interview with judicial official, Louga, Senegal, January 11, 2019; interview with social coordinator of a children’s center in Dakar, Senegal, June 22, 2018; interview with Modou Diop, manager, Enda Jeunesse Action Centre de Jour, Pikine, Dakar, June 21, 2018. Also see: Human Rights Watch, “There Is Enormous Suffering,” p. 63-66.

“[Many] parents think physical abuse of *talibés* is normal, because they suffered themselves when they were young. So they never file a complaint,” said a prosecutor in Diourbel region.¹⁶⁶

For example, in early 2017, a children’s center in Dakar assisted four runaway *talibé* children who reported that they had been chained or imprisoned for long periods as punishment in *daaras* in the regions of Kaolack, Louga and Diourbel. Some reported additional abuse, including beatings, deprivation of food, and sexual abuse by older *talibés*.¹⁶⁷ However, a year after the children were returned to their families, the center’s social coordinator said, “The families refused to be civil parties in a lawsuit, either because they couldn’t afford to it or they didn’t agree with taking legal action.”¹⁶⁸

2. Influence of Religious Leaders: Charges or Penalties Dropped, Reduced by the Judiciary

Despite the fact that prosecutions of abusive Quranic teachers have increased in recent years, charges or sentences were dropped or reduced by the judiciary in at least 17 cases between 2017 and 2019. Of these, the judiciary reduced charges or sentences against Quranic teachers in 14 cases, and alleged perpetrators were released in three other cases (detailed below). In some instances, this was reportedly due to lack of evidence; however, a number of sources cited public pressure on the judge or prosecutor.

Human trafficking cases faced particular barriers: judicial officials in three separate regions – Louga, Saint-Louis, and Diourbel – told Human Rights Watch that public and political pressure on the judiciary had either blocked human trafficking cases against Quranic teachers entirely (in the religious city of Touba), prevented such cases from moving forward (Louga), or resulted in reduced sentences (Saint-Louis), as illustrated below.¹⁶⁹ However, certain public prosecutors – notably in Saint-Louis – took initiative to push cases involving Quranic teachers forward, despite pressure to drop charges.¹⁷⁰

¹⁶⁶ Human Rights Watch interview with public prosecutor in Diourbel region, Senegal, January 9, 2019.

¹⁶⁷ See: Human Rights Watch, *“I Still See the Talibés Begging,”* p. 29-30.

¹⁶⁸ Human Rights Watch interview with children’s center social coordinator, Dakar, Senegal, June 20, 2018.

¹⁶⁹ Human Rights Watch interviews with judicial officials in Louga, Saint-Louis, and Diourbel regions, Senegal, June 2018 and January 2019.

¹⁷⁰ Human Rights Watch interview with judicial official, High Court of Saint-Louis, Senegal, June 28, 2018.

2.1 Releases and Acquittals

Three cases in which the alleged perpetrators were released without charge or acquitted despite evidence in 2017 and 2018 included the following:

1. **High Court of Louga:** Prosecutors closed a November 2017 judicial investigation into a Quranic teacher traveling north through Kébémér with several adults and a group of *talibés* from Guinea-Bissau, reportedly due to lack of evidence for human trafficking, though the adults had given conflicting accounts of where they were taking the children.¹⁷¹
2. **High Court of Saint-Louis:** A well-known *marabout* in Saint-Louis was prosecuted in September 2017 for chaining up an 8-year-old *talibé* in August 2017.¹⁷² A source in the judiciary told Human Rights Watch that “practically all of Senegal called about this case, asking to let the *marabout* go,” and “the pressure exerted on the court was too much,” resulting in judges acquitting the *marabout* despite the evidence.¹⁷³
3. **High Court of Mbour (Thiès region):** A Quranic teacher was arrested for sexually abusing a 7-year-old female *talibé*, in October 2018.¹⁷⁴ A state social worker involved with the case said that the *marabout* had confessed to the act.¹⁷⁵ Prosecuted for “pedophilia committed by a person having authority over the victim,” he was released from detention in December 2018 and acquitted in January 2019 for “lack of evidence.”¹⁷⁶

¹⁷¹ Human Rights Watch interview with AEMO social worker, Louga region, Senegal, July 17, 2018; Human Rights Watch interview with judicial official, High Court of Louga, Louga, Senegal, January 11, 2019; AEMO Louga regional office, “Rapport d’activités de l’affaire de dix (10) mineurs ressortissants de la Guinée Conakry,” December 4, 2017 (document on file with Human Rights Watch).

¹⁷² See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 41.

¹⁷³ Human Rights Watch interview with judicial official, High Court of Saint-Louis, Senegal, June 28, 2018.

¹⁷⁴ See: Human Rights Watch, “*There Is Enormous Suffering*,” p. 44; “Mbour : un maître coranique, accusé d’attouchement sexuel...accuse Satan,” *SeneNews*, November 24, 2018, https://www.senenews.com/actualites/mbour-un-imam-accuse-dattouchement-sexuel-invoque-satan_254106.html (accessed December 1, 2018).

¹⁷⁵ Human Rights Watch interview with state social worker, Mbour, Senegal, December 12, 2018 and April 6, 2019.

¹⁷⁶ Tribunal de Grande Instance de Mbour, Cour d’Appel de Thies, “Etat Des Affaires Jugees dont les Victimes sont des Talibés,” 2019 (on file with Human Rights Watch).

2.2. Reduced Sentences in Human Trafficking Cases

In all eight of the 2017-2019 “exploitation of begging” convictions cited above (five in Dakar in November 2017, two in January 2018 in Saint-Louis and Kaolack, one in September 2019 in Saint-Louis), the penalties were minimal – from 15 days to 6 months in prison, probation, and/or a fine of 50-200,000 CFA (\$85-350) – reduced by the judges from the penalties prescribed by the 2005 law: “a fine of 500,000 to 2,000,000 francs CFA (\$850 - \$3,400) and a prison sentence of two to five years.”¹⁷⁷

While reduction of these penalties is legal under Article 433 of Senegal’s Penal Code,¹⁷⁸ evidence suggests such minimal sentences may be an insufficient deterrent: following the November 2017 police anti-trafficking operation with Interpol, after serving his two-month prison sentence, one of the five convicted Quranic teachers approached the Empire des Enfants, the children’s center sheltering his *talibés*, to request that they be returned to him. Alassane Diagne, the center coordinator, told Human Rights Watch:

We took in 10 *talibé* children [after the November 2017 anti-trafficking operation]... Most were from Guinea Bissau. ...One of the *marabouts* was arrested – he did some prison time but then he got out. A few months later, he came to ask for the children back! He tried to convince their parents to return the children to him. We didn’t even have the impression that he regretted what he did.

...The State needs to be stricter. They punish, but the punishment isn’t enough. ...Even after putting someone in prison, they should monitor that person [upon his release] to make sure he doesn’t return to practicing the same exploitation. Follow-up is important. Even drug dealers, the police

¹⁷⁷ République du Sénégal, Loi no. 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes, art. 3 (unofficial translation by Human Rights Watch).

¹⁷⁸ Article 433 of Senegal’s Penal Code states: “Except as otherwise expressly provided by law, the sentences pronounced against one or more defendants found guilty, where extenuating circumstances are declared to exist, shall be modified as follows:if the penalty is imprisonment of 5 years or less, the correctional courts are authorized, even in the case of a second offense, to reduce imprisonment even to less than 1 month and the fine even to 20,000 francs or a lesser sum. They may also pronounce any of these penalties separately and may substitute a fine for imprisonment.” République du Sénégal, “Code Pénal,” Loi no. 65-60 du 21 juillet 1965, art. 433 (unofficial translation by Human Rights Watch).

don't just leave them like that – they monitor them to make sure they don't do it again... I don't know where those *marabouts* [arrested during the anti-trafficking operation] are now, but if you look for them, it's likely that many of them reopened their *daara* somewhere else.¹⁷⁹

2.3. Other Cases with Reduced Charges or Sentences

During 2017 and 2018, in addition to the seven human trafficking cases, charges or sentences were reduced in at least four other cases:

1. In **January 2017**, the **Diourbel High Court** reduced the prison sentence of the Quranic teacher whose severe beating had caused a *talibé* child's death in Dakar in June 2016 – convicted of “assault and battery inducing unintentional death” – from the prescribed 5-10 years to 2 years due to “extenuating circumstances,” according to a judicial official.¹⁸⁰
2. In its **November 2017** verdict, the **Diourbel High Court** reduced the final charges against the *grand talibé* in Darou Salam who had beaten a 10-year-old *talibé*, leading to the child's death, from “habitual assault and battery of a child under the age of 15, causing unintentional death” to “assault and battery causing unintentional death,” which carries a less severe sentence.¹⁸¹
3. In **June 2018**, the **Tambacounda High Court** pronounced the Quranic teacher who had imprisoned and abused a *talibé*¹⁸² guilty of “premeditated violence and assault on a child under 15 years of age, where the perpetrator has authority over

¹⁷⁹ Human Rights Watch interview with Alassane Diagne, coordinator, Empire des Enfants center, Dakar, Senegal, June 18, 2018.

¹⁸⁰ Human Rights Watch interview with judicial official, High Court of Diourbel, Senegal, June 2017.

¹⁸¹ Human Rights Watch email correspondence with Malick Sy, Diourbel regional coordinator, RADDHO, June 28, 2018; interviews with judicial official, High Court of Diourbel, June 2017. See also: Human Rights Watch, “*I Still See the Talibés Begging*,” p. 27.

¹⁸² See: Human Rights Watch, “*There Is Enormous Suffering*” (2019), p. 41-42.

the victim.”¹⁸³ According a social worker involved with the case, “lots of pressure on the prosecutor’s office” led to the reduced sentence of two years’ probation.¹⁸⁴

4. In **March 2018**, according to a local judicial official, the **Diourbel High Court** reduced charges against the Quranic teacher who had raped an 11-year-old female *talibé* from “rape of a minor under the age of 13” to “rape,” resulting in a sentence of two years in prison instead of 5-10 years.¹⁸⁵

In 2019, charges and/or sentences were reduced by the judiciary in at least three cases:

1. **February 2019, Saint-Louis High Court:** Despite the gravity of the crime – a *talibé* child’s death following a severe beating in Mpal in May 2018 – the responsible Quranic teacher received only two years in prison for “assault and battery inducing unintentional death,” instead of the 20 years sought by the prosecution for “assault of a minor under the age of 15 by a person having authority over him, inducing unintentional death.”¹⁸⁶ An additional aggravating factor of the abuse being “habitual,” based on evidence from the autopsy, was put forward but also rejected in the final verdict, according to a Saint-Louis judicial official.¹⁸⁷ At time of writing, the case was scheduled for an appeal hearing in December 2019.¹⁸⁸
2. **September 2019, Saint-Louis High Court:** In the case of the Quranic teacher convicted of “assault and battery of a minor by a person having authority over him” and “exploitation of begging,” the final sentence – two years of probation and a

¹⁸³ High Court of Tambacounda, Office of the Prosecutor, Kaolack Court of Appeals, “Informations et données statistiques sur des cas de violences ou abus ou trafic de migrants à l’égard du mineurs commis par leurs maîtres coraniques ou enseignants”: 2012-2018 (document on file with Human Rights Watch).

¹⁸⁴ Human Rights Watch interview with social worker, Tambacounda, Senegal, August 2, 2018.

¹⁸⁵ Human Rights Watch interview with judicial official, High Court of Diourbel, Diourbel, Senegal, June 25, 2018, and email correspondence, June 29, 2018.

¹⁸⁶ Human Rights Watch interview with judicial official, High Court of Saint-Louis, Senegal, March 20, 2019; Saint-Louis Court of Appeals, Prosecutor’s Office, “Etat Traite des Personnes,” 2018 (on file with Human Rights Watch). See also: Aminata Diouf, “Mort d’un talibé à Saint-Louis : 2 ans de prison pour le marabout Cheikh T. Lô,” *Press Afrik*, February 21, 2019, https://www.pressafrik.com/Mort-d-un-talibe-a-Saint-Louis-2-ans-de-prison-pour-le-marabout-Cheikh-T-Lo_a196464.html (accessed February 22, 2019).

¹⁸⁷ Human Rights Watch interview with judicial official, High Court of Saint-Louis, Senegal, March 20, 2019.

¹⁸⁸ Human Rights Watch interviews with judicial official, High Court of Saint-Louis, Senegal, November 20, 2019.

fine – was less than that sought by the prosecutor (five months’ probation including one month in prison, and a fine), and reduced from the 1-5 years in prison and fines prescribed in the penal code and anti-trafficking law.¹⁸⁹ According to local press and sources interviewed by Human Rights Watch, local Quranic teachers were “angered” and had loudly protested the arrest.¹⁹⁰

3. **December 2019, Louga High Court:** The Quranic teacher who had chained up several *talibé* children in his *daara* in Ndiagne in November was convicted of “violence and assault against a minor and endangerment,” but received a sentenced of two years’ probation, rather than the two months in prison and two years’ probation sought by the prosecutor. The case sparked heated debate in Senegal after photos of the children in chains were posted and shared online, eliciting extensive attention by the press, children’s rights activists, and religious leaders – many of whom rallied behind the accused, lobbying the court for his release.¹⁹¹

In Louga, a judicial official described how “each time” abuse cases involving a Quranic teacher arose, there was significant public pressure from “numerous influences” – including the Quranic Teachers’ Association and “major religious families” – both on the judiciary and the victims. “The problem is that when there’s pressure on the victim, especially in a rape case, the victim might end up renouncing his or her testimony and denying the facts,” he said.¹⁹²

¹⁸⁹ Human Rights Watch correspondence with judicial official, High Court of Saint-Louis, September 25-26, 2019; République du Sénégal, “Code Pénal,” Loi no. 65-60 du 21 juillet 1965, art. 298; Loi no. 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes, art. 3.

¹⁹⁰ Human Rights Watch correspondence with child protection worker, Saint-Louis, Senegal, September 24, 2019; interview with local government official, Saint-Louis, Senegal, October 31, 2019. See also: PressAfrik, “Saint-Louis: un imam placé sous mandat de dépôt pour avoir bastonné un de ses talibés,” September 24, 2019, https://www.pressafrik.com/%E2%80%8BSaint-Louis-un-imam-place-sous-mandat-de-depot-pour-avoir-bastonne-un-de-ses-talibes_a205686.html (accessed September 25, 2019).

¹⁹¹ Human Rights Watch interview with Mamadou Wane, president of PPDH, Dakar, Senegal, December 4, 2019; Ouest-France / AFP, “Prison avec sursis pour l’instituteur d’une école coranique où des enfants étaient enchaînés,” December 4, 2019, <https://www.ouest-france.fr/monde/senegal/senegal-prison-avec-sursis-pour-l-instituteur-d-une-ecole-coranique-ou-des-enfants-etaient-enchaines-6638557> (accessed December 4, 2019); Agence de Presse Sénégalaise, “Affaire des “talibés” enchaînés : le maître coranique condamné à deux ans de prison avec sursis,” December 4, 2019, <http://www.aps.sn/actualites/societe/article/affaire-de-ndiagne-le-maitre-coranique-cheikhouna-gueye-condamne-a-2-ans-de-prison-avec-sursis> (accessed December 4, 2019).

¹⁹² Human Rights Watch interview with judicial official, Louga, Senegal, January 11, 2019.

He further described the “frequent” reduction of charges for sexual assault by Quranic teachers or their assistants:¹⁹³

The judges have a tendency to reduce the charges. For example, they have sometimes reduced aggravated rape charges – “rape by a person responsible for education,” or “rape of a minor under age 13” – to simple rape. Aggravated rape should get 10 years in prison, but simple rape can reduce the sentence down to 2 years.¹⁹⁴

Another judicial official told Human Rights Watch that in the case of the Quranic teacher who tied up his *talibé* in Darou Mousty, which led to the child’s death in a fire in 2016, the Louga High Court’s January 2017 verdict – guilty of “endangerment,” with a three-year prison sentence – was less appropriate than manslaughter, which can carry a sentence of up to five years.¹⁹⁵

3. Limited Legal Aid for Child Victims

The lack of a government legal aid fund specifically dedicated to children and the inadequacy of existing legal aid services also persist as barriers to justice for vulnerable children, particularly *talibés* who are victims of abuse and separated from family members. “The problem is that often *talibé* children are not assisted at the police or judicial level,” a deputy public prosecutor in Dakar told Human Rights Watch. He added that help is particularly needed as “*marabouts* have a lot of power over their *talibés*.”¹⁹⁶

According to two Justice Ministry officials interviewed, while the Senegalese government’s annual budget includes a legal aid fund for persons with limited financial means, it is primarily used to ensure lawyers for defendants in criminal cases, where required by law. The fund may be used to provide lawyers for children who are victims of abuses or

¹⁹³ Ibid.

¹⁹⁴ Human Rights Watch interview with judicial official, Louga, Senegal, January 11, 2019.

¹⁹⁵ High Court of Louga, Saint-Louis Court of Appeals, “Tableau de Synthèse – Parquet de Louga,” 2018 (on file with Human Rights Watch); Human Rights Watch interview with judicial official, Senegal, January 19, 2019; République du Sénégal, “Code Pénal,” art. 307 and 307(bis). For more on the case, see: Human Rights Watch, “*I Still See the Talibés Begging*” (2017), p. 27.

¹⁹⁶ Human Rights Watch interview with deputy public prosecutor, Dakar, Senegal, June 27, 2018.

trafficking in some cases, they said.¹⁹⁷ However, funds are not always available for this purpose, one official noted.¹⁹⁸ While the 2005 anti-trafficking law requires the government to provide pro bono legal services to child trafficking victims, Senegalese law does not currently require the same in other child abuse cases, the other official said.¹⁹⁹

As a result, many children who are victims of abuse have little access to state-funded legal aid. Local AEMO services can provide some assistance to children during legal proceedings if they are involved in or informed of the case, but their capacity is limited.

While certain Departmental Child Protection Committees (CDPE) reportedly received some funding from UNICEF for legal aid, this was not the case for all.²⁰⁰ A few associations and NGOs in Senegal, notably the *Association des Juristes Sénégalaises* (AJS), offer or have offered pro bono legal aid in cases involving abuses against children. However, these groups are mostly based in Dakar, with limited capacities to take on new cases. Most civil society organizations lack either the training or funding to provide legal support.

One Senegalese human rights institution, which preferred to remain anonymous, noted: “We no longer have enough funding for legal aid services, so we had to stop... [The state should] allocate specific funds for the protection of children in street situations and for a legal aid project.”²⁰¹

Considering the urgent gap in legal aid specifically accessible to vulnerable children such as *talibés*, donors and the Senegalese government should consider allocating additional funding for this purpose, ideally by developing legal aid clinics in each region of Senegal to help file judicial complaints and appeals on behalf of separated and victimized children.

¹⁹⁷ Human Rights Watch interview and correspondence with Justice Ministry official, Dakar, Senegal, November 25-26, 2019; interview with DESPS official, Ministry of Justice, Dakar, Senegal, November 26, 2019.

¹⁹⁸ Human Rights Watch interview with DESPS official, Ministry of Justice, Dakar, Senegal, November 26, 2019.

¹⁹⁹ Human Rights Watch interview and correspondence with Justice Ministry official, Dakar, Senegal, November 25-26, 2019. See: République du Sénégal, Loi no. 2005-06 du 10 Mai 2005 relative à la lutte contre la traite des personnes et pratiques assimilées et à la protection des victimes, art. 16-17.

²⁰⁰ Human Rights Watch interview with DESPS official, Ministry of Justice, Dakar, Senegal, November 26, 2019.

²⁰¹ Human Rights Watch interview with program officer at a human rights institution, Dakar, Senegal, December 20, 2018.

4. Inconsistent Political Will to Ensure Justice for Talibés

Despite previous commitment by President Macky Sall to penalize those responsible,²⁰² the government's inconsistent enforcement of Senegal's strong domestic laws against child abuse and exploitation has enabled abuses in *daaras* to continue at an alarming rate. Without clear commitment and directives from higher authorities, an official in the Justice Ministry official told Human Rights Watch, the "national approach" will continue to be "mediation," rather than prosecution of perpetrators.²⁰³

"The political will of the state is [still] lacking to attack this problem," said a facilitator at a children's center in Dakar. "There is no political will when it comes to *talibés*," added the center's manager.²⁰⁴

The pervasive exploitation and abuse of *talibé* children cannot be resolved without consistent, coordinated efforts by law enforcement, the judiciary, and social services, as well as between state and non-state child protection actors. Both state and non-state social workers and staff at children's shelters should make greater efforts to file complaints for *talibé* victims with the police or public prosecutor; state actors at all levels should stop deferring responsibility to other sectors and take greater initiative to enforce the law, in order to bring perpetrators to justice and deter further abuse. Public or political "pressure" is an unacceptable reason for dropping a case or reducing charges against a Quranic teacher who has committed an offense against a child.

²⁰² On June 22, 2016, President Macky Sall announced to the Council of Ministers his intention to end the phenomenon of child begging, following this with two Twitter posts on July 1: "To protect the rights of vulnerable children and groups, I ordered the urgent withdrawal of street children," he wrote. "To save the *talibés*, the state imposes fines and jail sentences for those putting their children in the street." See: President Macky Sall of Senegal, Twitter post, July 1, 2016, https://twitter.com/macky_sall/status/748927604720340992 (accessed June 20, 2017).

²⁰³ Human Rights Watch interview with Justice Ministry official, Dakar, Senegal, August 2, 2018.

²⁰⁴ Human Rights Watch interview with facilitator and manager of a children's center in Dakar, Senegal, June 21, 2018.

Recommendations

I. On the Program to “Remove Children from the Streets” (the “Retrait”)

To the “Retrait” Steering Committee (notably the ministries of Justice; the Interior; and Women, Family, Gender, and Child Protection)

- **Ensure that the following agencies are fully involved in the planning and operations of the *retrait* program** alongside the Ministry of Women, Family, Gender, and Child Protection (“Family Ministry”): the Justice Ministry (including the Directorate of Correctional Education and Social Protection, AEMO services, and the Human Rights Directorate); the National Anti-Trafficking Unit; Ginddi Center and other public and private children’s centers; and the police; prefectures, mayor’s offices, public prosecutor’s offices, juvenile courts, and Departmental Child Protection Committees (CDPEs) in the program’s areas of operation.
- **Finalize and distribute “standard operating procedures”** for the *retrait*, outlining the new processes and best practices and detailing the roles of each participating agency, institution and actor, in line with the government’s National Child Protection Strategy.
- Ensure that all police officers and social workers involved in the program are **trained in child protection**, existing laws banning human trafficking and child abuse, and the monitoring and referral mechanisms for such cases.
- During street operations, ensure that social workers handle interactions with children, accompanied by police; that the operational team does not use force; and that children are taken directly to children’s shelters.
- **Establish a system to automatically trigger police or judicial investigations** – including visits to *daaras* and formal questioning of Quranic teachers – for every *talibé* child removed from the street who reports forced begging or abuse.
 - To ensure that all such cases are investigated, establish procedures of regular communication before and after each street operation between police, social workers at children’s shelters and AEMO, and the prosecutor’s office. In particular:

- **Police** should follow up with social workers to obtain more information on each child and conduct preliminary investigations, in order to refer cases of abuse or forced begging to the prosecutor;
 - **Social workers** should actively report all suspected cases of abuse or forced begging to the police or prosecutor.
- Ensure that AEMO services accompany children in legal proceedings.
- Instruct juvenile courts to refer any cases of possible abuse or exploitation uncovered during the Temporary Custody Order process to the prosecutor.
- Instruct mayor's offices to facilitate police visits to the *daaras* of children removed from the street, with a view to shutting down those found to be abusing, exploiting or endangering children.
- **Keep a running list or database of information on all the children removed from the street**, and ensure that it is regularly updated and shared between the police, children's centers, AEMO, juvenile courts, and prosecutor's office. This information should be used as the basis for further investigation by the police or prosecutor.
 - The database should ideally include: whether the child is a *talibé* (and if yes, Quranic teacher's name and contact information); whether the child was previously removed from the street (if yes, date previously returned to family); and notes from the social worker on forced begging or other abuse.
- **Cross-check every child removed from the street** with the names of children removed during previous phases of the program. If a child is found begging in the streets again, such cases should be referred to the public prosecutor and juvenile court to ensure that a formal investigation is conducted into the children's parents or legal guardians and Quranic teachers.
- **Continue to return all children removed from the street to their families** or legal guardians, and never to Quranic teachers who forced them to beg.
 - Before allowing parents to receive their children, require that parents sign an agreement stating that they have been informed of the laws against child begging and abuse and commit to ensuring their child is not returned to an abusive or exploitative *daara*.

- When returning a child to his immediate family is not in his best interests, such as in cases where parents repeatedly sent the child back to *daaras* practicing child begging, ensure the child is placed under the care of relatives or an alternative appointed guardian.
- Ensure that any shelters or centers where children are placed after removal from the street obtain **Temporary Custody Orders** for each child from the juvenile court.
- **Allocate sufficient personnel, funding and resources to centers or shelters** utilized to care for the children removed from the street, such as Ginddi Center.
- **Conduct periodic monitoring** of all children removed from the streets and returned to their families to assess their continued well-being.
- **Expand the *retrait* program beyond Dakar** to reach the thousands of *talibés* begging in other regions across the country.

II. On Daara Regulation and Support

To the National Assembly

- Urgently vote to pass the draft **law on the status of *daaras***, in order to establish an institutional framework for *daaras* and facilitate regulation.
- Promptly table and adopt the draft **Children's Code**.

To the Ministry of the Interior

- Issue instructions to all **administrative officials, such as prefects or mayors**, to organize periodic inspections of *daaras* in their area, with a view to ensuring that any *daaras* failing to meet appropriate health and safety standards or exploiting children through forced begging are shut down.

To Local Governments and Administrative Officials (Mayors, Prefects)

- Take steps to institutionalize regulation and inspection of existing *daaras* within local administrative territory, in order to ensure that any *daaras* endangering children's health and safety are shut down.

To the Ministry of Women, Family, Gender, and Child Protection

- Instruct child protection committees and state social workers to report any unsanitary or unsafe *daaras* to local Hygiene Services and administrative authorities.

To the Ministry of Health and Social Action

- Issue instructions to regional and local **Hygiene Services** to conduct regular inspections of *daaras* within their administrative areas, report any *daaras* that do not meet adequate standards of health and sanitation to the local authorities, and issue fines or injunctions for closure where necessary.
- Fully fund and launch the planned extension of the “**Universal Illness Health Cover**” program to *talibé* children.

To the Ministry of National Education

- Consider expanding the mandate and resources of the Modern Daara Inspectorate to encompass regulation and inspection of all existing *daaras* and bolstering the capacity of its regional offices to that effect.
- Expand daara support and “modernization” projects such as PAQEEB and PAMOD to increase the number of grants available to *daaras* wishing to improve their living conditions and expand their curricula, with the requirement that grant recipients respect children’s rights and abandon child begging.

To Religious Leaders of Senegal

- Authorize or organize a system to inspect existing *daaras* and issue an order that all *daaras* adhere to minimum standards of hygiene and safety, in order to improve conditions for *talibé* children living in *daaras*.

III. On Child Protection Services

To the Ministry of Justice and the Ministry of Women, Family, Gender, and Child Protection

- Increase the resources and personnel provided to regional AEMO offices, and ensure that every office has a working vehicle capable of transporting children in emergencies.
- Ensure adequate technical and financial support to state-run children's centers providing emergency shelter, such as Ginddi Center and the Centers of First Reception (CPAs), so they are able to fulfil their mandate.
- Urgently construct new emergency reception centers, shelters or care systems for children in regions lacking such facilities, notably Diourbel, Louga and Tambacounda.

To the Ministry of the Interior and the Ministry of Women, Family, Gender, and Child Protection

- To increase the effectiveness of **Departmental Child Protection Committees (CDPEs)** across the country:
 - Instruct all CDPE members to follow clear protocols for reporting, tracking, and sharing information on cases of child abuse, exploitation, neglect, or endangerment – including those that involve *talibés* and Quranic teachers;
 - Ensure that each CDPE receives the necessary resources to implement its action plans;
 - Instruct local administrative officials and state services to increase their support to and participation in the CDPEs by providing adequate resources, attending regular meetings, and ensuring the active sharing of information on child protection cases.
- Ensure that **police officers** in all regions receive adequate training in child protection. Increase the resources and trained personnel allocated to the Special Juveniles Unit of the National Police in Dakar, and install such units – trained in child protection – in all regional police stations.

IV. On Combatting Trafficking of Talibé Children

To the Senegalese Government

- Instruct the Interior Ministry and security forces to **increase vigilance** for the trafficking of groups talibé children, particularly at Senegal's border areas and in cities known to be transit points or destinations for migrating Quranic teachers and talibés.
- Work to address root causes of children being sent away from their families to distant Quranic schools by supporting social welfare programs, education (including by removing school fees and indirect costs to education), and youth training programs in rural areas with high rates of youth unemployment, poverty or low school attendance.
- Launch a national public communication campaign, in partnership with local governments (and ideally with neighboring countries such as Guinea-Bissau, Guinea, and Gambia), to Increase community awareness of the dangers of sending talibé children to cities far from home, with particular focus on rural areas and border communities.

To the Ministry of the Interior

- Instruct **border control officers** to ensure that every individual, including Quranic teachers, attempting to cross the Senegalese border with a group of children provides legitimate parental authorization and identification for each child. Ensure all border officials are trained to enforce the 2005 anti-trafficking law.

V. On Justice and Enforcement of Existing Laws to Protect Talibé Children

To the Senegalese Government

- Enforce **anti-trafficking provisions under Law No. 2005-06** – which criminalizes the recruitment, harboring, transport or transfer of persons for purposes of exploitation — including by investigating and holding accountable,

in accordance with international fair trial standards, Quranic teachers and others who force children to beg or transport them from one location to another without legitimate parental authorization.

- Enforce relevant provisions of the **penal code** in all cases involving Quranic teachers or others who commit abuses against *talibé* children, including:
 - Physical abuse or willful neglect of children (art. 298-299);
 - Acts of molestation, pedophilia, and sexual harassment against children (art. 319, 319bis and 320bis);
 - Unlawful imprisonment or sequestration (art. 334);
 - Endangerment through exposure to risk of death or injury (art. 307bis).

To the Ministry of Justice

- Instruct and hold to account all judges and public prosecutors to ensure full enforcement of existing laws, including in cases involving Quranic teachers accused of violations against *talibé* children. Ensure that **judicial personnel operate in full independence** in order to adjudicate such cases without interference or consequences.
 - Issue instructions and organize trainings to discourage the practice of prosecutors and judges reducing charges or sentences in cases involving Quranic teachers as a result of public pressure.
- In cases where a Quranic teacher is convicted, instruct judges to include in the ruling an order for the **removal of all *talibé* children** from the implicated *daara*, ensuring that a plan is in place with child protection services to guarantee the safe return of the children to their parents.
- Ensure that any **parents** that intentionally send or return children to abusive or exploitative *daaras* face legal penalties and that children are not forcibly returned to their families if this is against their best interests; in such cases, children should be placed under the care of relatives or an appointed guardian.
- Instruct public prosecutors to order investigations into cases of *talibé* children **killed or injured in traffic accidents** to determine the role of the Quranic teacher in the child's presence in the streets, rather than focusing only on the driver.

- Instruct public prosecutors to initiate investigations into any Quranic teacher in charge of a *daara* where one or more *talibé* children were **killed or injured in a fire**, due to being trapped in the *daara* in the teacher's absence.
- Instruct prosecutor's offices to work closely with juvenile courts to ensure that any cases of suspected child abuse or exploitation encountered during the **"Temporary Custody Order"** (*Ordonnance de Garde Provisoire*, OGP) process are investigated, or referred to the prosecutor's office in the region where the abuse allegedly occurred. After issuing OGPs, juvenile courts should ensure social workers submit follow-up reports on cases of alleged child abuse or exploitation.
- Ensure **adequate resources** are allocated to regional AEMO offices, children's shelters and reception centers, and the National Anti-Trafficking Unit, so that they can better fulfil their mandates to protect children.
- Set up a **legal aid fund** specifically dedicated to supporting separated children such as *talibés* who are victims of abuse or exploitation, whether by increasing the funding and staff of AEMO services or other government agencies for this purpose, or by installing legal aid clinics in each administrative region.
- Instruct all courts to submit **annual reports** to the National Anti-Trafficking Unit and the Justice Ministry's Human Rights Director on cases involving abuses against children by those responsible for their education, including Quranic teachers.

To the Ministry of the Interior

- Instruct all police officers to proceed with investigations of any suspected cases of the **"exploitation of begging"** of *talibé* children by Quranic teachers, with a view to referring such cases to the prosecutor. Such investigations should include visits to the Quranic schools in question.
- Implement a strict **no-warning, no-negotiation policy** for any Quranic teachers found to have forced *talibés* to beg for profit or committed other abuses; ensure that all police personnel are aware of this policy and enforce it without exceptions, and that all such cases are referred to the prosecutor.
- Issue instructions to police officers in all regions who are involved in child protection cases, where a child is referred to AEMO or placed in a children's

shelter, to proactively **follow up with social workers** and investigate cases of forced begging or abuse, including those involving Quranic teachers.

To All Public and Private Children’s Shelters and Reception Centers

- Ensure that all cases of physical abuse or forced begging reported by *talibé* children to social workers are documented and reported to the police or the public prosecutor, and/or to the AEMO services of the locality where the reported abuse or exploitation took place.

VI. To Regional and International Organizations and Partners

- Increase support to organizations with the capacity to set up and provide **legal aid** to *talibés* and other vulnerable children who are victims of abuse or exploitation.
- Increase support to existing **centers that provide emergency shelter** to children who are runaways or victims of abuse; consider developing or supporting projects to construct and fund urgently needed children’s emergency shelters in regions where such services are lacking, such as in Diourbel, Louga and Tambacounda.
- Consider inserting **clauses and requirements on child protection** into cooperation agreements with the Senegalese government, particularly related to combatting forced begging, human trafficking, or other abuses against children by those charged with their education, including public school and Quranic teachers.
- Increase **support** to any of the following state services: the Justice Ministry’s AEMO services, the Centers of First Reception (CPAs), Ginddi Center, the police’s Special Juveniles Unit, the National Anti-Trafficking Unit, the child protection directorate in the Family Ministry, and Departmental, Municipal, or District Child Protection Committees.

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Appendix: Letter from the Ministry of National Education

(Unofficial English translation by Human Rights Watch)

December 3, 2019

Republic of Senegal
Ministry of National Education
The Minister

Subject: Transmission of the Human Rights Watch report on *talibé* children in Senegal

Madam,

In reading the report of your organization, Human Rights Watch, on the Senegalese government's efforts to protect *talibé* children and guarantee their rights, I would like to share with you some observations on behalf of the Ministry of National Education.

- The creation of PAMOD (*Projet d'appui à la modernisation des daaras*), the Daara Modernization Support Project, was mentioned in the Report and will indeed help to solve a certain number of problems in *daaras* related to the dynamics of equity, inclusion, and the right to education for every child. Its activities are followed by structures exclusively dedicated to *daaras*, notably the Daara Inspectorate and the Directorate of Arab Education, which ensure respect for norms, standards, and the protection of learners, the *talibés*.
- In addition, the Ministry of National Education is implementing the Project to Support the Protection of Children in Education (*Projet d'Appui à la Protection des enfants dans l'Éducation*, RAP) to bring a better life to *talibé* children and create a safe environment that protects them from any form of violence.
- The development of a reference system for the detection and management of risk situations affecting a student; this strategic document is available in the *daaras* with the Quranic teachers, and its translation in Arabic will make it possible to follow and address all the cases of violence in the *daaras* and schools.

- Finally, the Ministry of National Education has drawn up an important document; it is a “Directory of Regulatory and Legislative Texts concerning the Protection of Children in Daaras and in Schools” (*Répertoire des textes réglementaires et législatifs relatif à la Protection des enfants dans les daara et en milieu scolaire*) to reinforce advocacy and efforts to raise awareness for the respect of the identity of *talibé* children and students, as well as the sanction of all barriers to and violations of their rights.

The reference system and the directory have been publicized in schools and *daaras*, with the support of the Academic Inspectorates and the Departmental Child Protection Committees (CDPE).

Therefore, I remain attentive to the integration of these advances in Senegal which has greatly improved its legislative, regulatory and pedagogical mechanism to limit and/or eradicate violence and abuse against children, including *talibés*.

Finally, the Ministry of National Education is very involved in the inter-ministerial committee for the removal of children from the streets (*comité interministériel de lutte pour le retrait des enfants de la rue*). Measures are envisaged for removal, but above all for school reintegration and apprenticeship.

The Ministry of National Education has endorsed the Education for All (*Éducation pour tous*, EPT) resolutions which denounce degrading treatment to children in all teaching and learning structures.

Thank you and distinguished consideration.

To
Madame Lauren SEIBERT
Africa Division, Human Rights Watch



RÉPUBLIQUE DU SÉNÉGAL
Un Peuple – Un But – Une Foi



Ministère
de l'Éducation nationale

Le Ministre

N° _____ MEN/SG/CT/is

Dakar, le 3 décembre 2019

Objet : Transmission du Rapport de Human Rights watch sur les enfants talibés au Sénégal

Madame,

A la lecture du Rapport de votre Organisation, Human Rights Watch sur les efforts du gouvernement du Sénégal visant à protéger les enfants talibés et à garantir leurs droits, je voudrais vous faire part de certaines observations pour le compte du Ministère de l'Éducation nationale.

- La création du PAMOD, le Projet d'appui à la modernisation des daara, a été mentionnée dans le Rapport et va effectivement aider à la résolution d'un certain nombre de problèmes dans les daara dans la dynamique de l'équité, de l'inclusion et du droit à l'éducation reconnu à chaque enfant.
Ses activités sont suivies par des structures exclusivement dédiées aux daara, notamment l'Inspection des daara et la Division de l'Enseignement arabe qui veillent au respect des normes et standards et la protection des apprenants, les talibés.
- Par ailleurs, le Ministère de l'Éducation nationale met en œuvre le Projet d'Appui à la Protection des enfants dans l'Éducation (RAP) pour apporter un meilleur être aux enfants talibés et créer un environnement sécurisé qui les préserve de toute forme de violence .
- L'élaboration d'un Référentiel pour la détection et la gestion des situations de risques affectant un élève ; ce document stratégique est disponible dans les daara avec le maîtres coraniques et sa traduction en arabe permettra de suivre et traiter tous les cas de violences dans les daara et écoles.
- Enfin, le Ministère de l'Éducation nationale a élaboré un document important ; c'est un « Répertoire des textes réglementaires et législatifs relatif à la Protection des enfants dans les daara et en milieu scolaire » pour renforcer le plaidoyer et la sensibilisation pour le respect de la personnalité des enfants talibés et élèves ainsi que la sanction de toutes les entraves et violations de leurs droits.

Sphère ministérielle du 2^{ème} arrondissement de Diamniadio, Bâtiment B1
BP 4025 – Dakar. Tel. +221 338495454 – Email : men@education.sn

www.education.gouv.sn

www.education.sn

Le référentiel et le répertoire ont fait l'objet d'une vulgarisation dans les écoles et les daara avec le soutien des inspections d'académie et des CDPE (Comités départementaux de protection de l'enfant).

Par conséquent, je reste attentif à l'intégration de ces avancées du Sénégal qui a beaucoup amélioré son dispositif législatif, réglementaire et pédagogique pour limiter et/ou éradiquer les violences et abus contre les enfants, notamment les talibés.

Enfin, le Ministère de l'Education nationale est très engagé dans le comité interministériel de lutte pour le retrait des enfants de la rue. Des mesures sont envisagées pour le retrait, mais surtout pour la réinsertion scolaire et l'apprentissage.

Le Ministère de l'Education nationale a souscrit aux résolutions d'une éducation pour tous (EPT) qui dénonce les traitements dégradants aux enfants dans toutes les structures d'enseignement et d'apprentissage.

Merci et considération distinguée.

A

Madame Lauren SEIBERT
Division Afrique Human Rights Watch



“THESE CHILDREN DON’T BELONG IN THE STREETS”

A Roadmap for Ending Exploitation, Abuse of Talibés in Senegal

Thousands of *talibé* children in Senegal have faced forced begging and beatings, inadequate food and medical care, lack of access to education, and squalid living conditions in traditional Quranic schools known as *daaras*. Many have also faced trafficking, chaining, imprisonment, or sexual abuse, and some have died due to abuse or neglect by Quranic teachers. Human Rights Watch and the Platform for the Promotion and Protection of Human Rights (PPDH) have documented these abuses for over a decade.

“These Children Don’t Belong in the Streets” examines the Senegalese government’s efforts from 2017 to 2019 to protect *talibé* children from abuses, bring perpetrators to justice, and improve conditions in *daaras*.

The report outlines a roadmap for the government to better protect *talibé* children and ensure lasting change, through five key steps: improving and scaling up programs to fight child begging, balancing regulation and support of existing *daaras*, expanding under-resourced child protection services, increasing preventative and punitive tactics to combat child trafficking by Quranic teachers, and prioritizing justice for all abuses against *talibé* children.

An approach balancing deterrence and social assistance, underscored by a robust information campaign targeting the public and Quranic teachers, should guide these efforts.

Human Rights Watch and PPDH call on the international community to support Senegal in implementing this roadmap by providing technical, material and financial support to the priority areas identified in this report.

(above) *Talibé* children study the Quran at a *daara* in Diourbel, Senegal, June 24, 2018.

(front cover) *Talibé* children recite verses at a *daara* in Saint-Louis, Senegal, June 30, 2018. Flies swarmed around the children as they studied on threadbare mats, on which they also slept at night. Over 100 *talibés* housed in the *daara* begged for money and for their meals.

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