

IN THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF  
THE CHILD

In the matter between

Senegalese *talibés*

And

The Republic of Senegal

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COMPLAINANTS' COMMUNICATION (BROUGHT IN TERMS OF ARTICLE 44  
OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD)

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## SUMMARY OF FACTS

(1) Up to 100 000<sup>1</sup> children between the ages of 4 and 12, known as *talibés*, are sent by their parents to live in *Quranic* schools (*daaras*) in the urban centres of Senegal to receive religious education, often due to the difficulties of attaining government schooling.<sup>2</sup> However, they are ultimately forced by their instructors, known as *marabouts*, to work as beggars.<sup>3</sup>

(2) Forced child begging has been an on-going practice in Senegal since the 1980s.<sup>4</sup> Articles 245 to 247(b) of the Penal Code provide for sentences for persons who commit the offence of forcing a child to beg.<sup>5</sup> The provisions of the Penal Code have been reinforced by another law adopted in 2005 to combat trafficking in persons.<sup>6</sup> Despite the existence of this legislation, the government has made little effort to enforce these provisions that would penalize *marabouts* who exploit children. As of 2011, only 10 cases have been brought, with nine convictions of *marabouts*. The highest actual duration of imprisonment for all convictions under the above laws was one month imprisonment, representing a decrease in the severity of penalties from previous years.<sup>7</sup> The government has additionally not provided minimum standards regulating non-state schools and do not inspect *daaras* for violations.<sup>8</sup>

(3) The constitution of Senegal only allows specific individuals under specific mandates to bring cases and only to challenge the constitutionality of certain provisions.<sup>9</sup> There is no *actio popularis* in Senegalese law. Cases may only be brought by individuals who have directly been affected by a violation and any

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<sup>1</sup> Numbers in reports vary but 100 000 is a number that has been accepted previously by the Committee: Comité Africain d'experts sur les droits et le bien-être de l'enfant 'Recommandations et Observations adressées au Gouvernement du Sénégal par le Comité Africain d'Experts sur les Droits et le Bien-être de l'Enfant sur le Rapport initial de la mise en œuvre de la Charte Africaine des Droits et du Bien-être de l'Enfant' 6 (on file with Committee and authors).

<sup>2</sup> Anti-Slavery International 'Begging for Change: Research findings and recommendations on forced child begging in Albania/Greece, India and Senegal' (2009) 1.

<sup>3</sup> See Annex 1 and 2, Human Rights Watch 'Off the Backs of the Children' Forced Begging and Other Abuses against *Talibés* in Senegal' (2010) 3 available at <http://www.hrw.org/sites/default/files/reports/senegal0410webwcover.pdf> (accessed on 25 February 2012).

<sup>4</sup> Off the Backs of the Children (n 3 above) 21.

<sup>5</sup> Law 65-60 of 21 July 1965, 3-6 months term of imprisonment is prescribed for any person who has allowed a child to beg on his or her behalf.

<sup>6</sup> Law No. 2005-06 of Senegal, (Law to Combat Trafficking in Persons and Related Practices and to Protect Victims): The law prescribes 5-10 years imprisonment and a fine of five to twenty million CFA francs for a person who forces a child to beg.

<sup>7</sup> U.S. Department of State 'Trafficking in Persons Report 2011' 314 available at <http://www.state.gov/documents/organization/164457.pdf> (accessed on 25 February 2012).

<sup>8</sup> Off the Backs of the Children (n 3 above) 73.

<sup>9</sup> Articles 74 and 92 Constitution of Senegal, 2001.

decision will only provide a remedy only for those litigants, or for those who can be shown to be directly connected to the case or have ‘*un intérêt et qualité pour agir*’.<sup>10</sup> Furthermore, children must be represented by either a parent or an agency of the state. Where a non-state agency would seek to represent them, the consent of the parents must first be sought. The only other avenue to bring such a claim would be to petition the chief prosecutor; but his/her decision is determined in consultation with the Minister of Justice and completely discretionary.<sup>11</sup>

(4) The conditions in many *daaras* are deplorable. Children are required to bring back a daily quota (mostly in the form of rice, sugar or money) to the *daaras*. A *talibé* interviewed for this communication stated that his daily quota was to bring 1000 CFA.<sup>12</sup> On average, the *talibés* spend six to eight hours begging with five hours or less left to spend on *Quranic* education.<sup>13</sup> *Marabouts* are not generally trained as school teachers. Therefore, *talibés* are not taught basic skills like numeracy or literacy.<sup>14</sup> Because of the priority given to attaining the daily quota, many *talibés* do not learn the *Quran* either.<sup>15</sup> They are normally separated from living with their parents, and deprived of any contact with their families even though communication would be relatively easy.<sup>16</sup> Failing to attain the daily quota leads to beatings and punishments.<sup>17</sup> In the words of a *talibé* interviewed for this communication “If you come back without the required amount, you are severely beaten”.<sup>18</sup> Children are physically assaulted and harshly punished when they attempt to leave the *daaras*.<sup>19</sup>

(5) *Daaras* are also mostly housed in unsafe and unhygienic structures where children sleep in over-crowded rooms or outside, with little or no access to clean water or sanitation.<sup>20</sup> *Talibés* are rarely able to secure enough food and are

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<sup>10</sup> IM Fall ‘Constitutional Courts and the Protection of Fundamental Rights: A New Method of Protecting Public Interests in Francophone Africa’ *WAPILC Quarterly*, Vol. 1, (1) 2009 29.

<sup>11</sup> Arts 23, 28 and 32 of the Criminal Procedure code, Loi n° 2008-50 du 23 Septembre 2008, supra 56.

<sup>12</sup> Annex 1.

<sup>13</sup> UNICEF, ILO and the World Bank ‘Enfants mendiants dans la région de Dakar’ (2007) 41; *Off the Backs of the Children*’ (n 3 above) 31. This largely consists of memorising the *Quran* and learning Arabic only.

<sup>14</sup> Annex 1, “...I want to go to school when I see children of my age going to school...but I do nothing but beg.” Amandou Baldé, Annex 2.

<sup>15</sup> “I would ask [the *marabout*] to stop beating the children because it hurts, and also to teach us the *Quran* which is the reason why we came.” Amandou Baldé, Annex 2

<sup>16</sup> ‘Enfants mendiants’ (n 14 above) 3.

<sup>17</sup> Annex 1 and 2.

<sup>18</sup> Annex 2.

<sup>19</sup> ‘Begging for Change’ (n 2 above) 6.

<sup>20</sup> ‘Enfants mendiants’ (n 14 above) 4.

chronically undernourished.<sup>21</sup> They contract diseases and fall ill frequently. There have also been instances where *talibés* are injured by motor vehicles while working on the streets.<sup>22</sup> *Marabouts* mostly do not provide access to medical care or assistance, leaving sick or injured *talibés* to fend for themselves.<sup>23</sup>

(6) *Talibés* who run away to their homes are often returned to the *daaras* by their parents, who are often aware of the conditions in *daaras* before they send them.<sup>24</sup> When they are returned, they are severely punished by the *marabouts*. *Talibés* who subsequently run away feel they have nowhere to go and become street children, thus being exposed to further dangers. The government of Senegal fails to provide adequate alternative facilities for children who escape from *daaras*.

(7) The overall situation above and the state failure to protect *talibés* has resulted in a continuous violation of numerous rights that they enjoy under the African Charter on the Rights and Welfare of the Child (African Children's Charter) and this situation has to be remedied urgently.

(8) It is the authors' submission that Senegal has violated articles 4 (best interest), 5 (survival and development), 11 (education), 12 (leisure, recreation and cultural activities), 14 (health and health services), 15 (child labour), 16 (protection against child abuse and torture), 21 (protection against harmful social and cultural practices) and 29 (sale, trafficking and abduction) of the African Children's Charter.

## **JURISDICTION AND LOCUS STANDI**

(9) This Communication is brought to the African Committee of Experts on the Rights and Welfare of the Child (the Committee) under the African Children's Charter and the Communication Guidelines.<sup>25</sup> Article 44(1) of the African Children's Charter provides as follows:

The Committee may receive communications from any person, group or non-governmental organization recognized by the Organisation of African

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<sup>21</sup> "Sometimes people bring us something to eat but each time it is the *marabout* who keeps the food. We eat the left overs which are given to us from the houses we visit." Amandou Baldé, Annex 2.

<sup>22</sup> 'Off the Backs of the Children' (n 3 above) 3.

<sup>23</sup> "If we fall ill, no one attends to us" Amandou Baldé, Annex 2.

<sup>24</sup> "I was obstinate, this is why [my father] brought me to the daara" Amandou Baldé Annex 2.

<sup>25</sup> Guidelines for the Consideration of Communications Provided for in Article 44 of the African Charter on the Rights and Welfare of the Child (Communication Guidelines).

Unity, by a member state, or the United Nations relating to any matter covered by this Charter.<sup>26</sup>

(10) This Communication complies with the above provision as it is brought by two Non-Governmental Organisations (NGOs) that both have observer status before the African Commission on Human and Peoples' Rights (African Commission). In the absence of a functional observer status before the Committee, we urge that the Commission's rules apply.

(11) The authors are committed to the protection and promotion of human rights and by bringing this action, they are acting in line with general human rights objectives. One does not necessarily have to be a victim of the violations to have a standing.<sup>27</sup> This case is brought as an *actio popularis*.<sup>28</sup>

(12) The Communication is brought against Senegal regarding child begging practices in its territory which violates the rights enshrined in the African Children's Charter. Senegal, being a party to the African Children's Charter,<sup>29</sup> violates several provisions of the African Children's Charter by not addressing this phenomenon.

### **PROVISIONAL MEASURES**

(13) The authors seek the urgent intervention of the Committee in order to prevent irreparable harm to the *talibés* by virtue of the violations that are occurring in Senegal.

(14) Chapter 2 article 2(IV)(1) of the Communication Guidelines provides as follows:

When the Committee decides to consider a Communication, it may forward to the State party concerned, a request to take provisional measures that the Committee shall consider necessary in order to prevent any other harm to the child or children who would be victims of violations.

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<sup>26</sup> See also Chapter 1 article 1(1) of the Communication Guidelines.

<sup>27</sup> *Malawi African Association and Others v Mauritania* (2000) AHRLR 149 (ACHPR 2000) para 78; and MP Pedersen 'Standing and the African Commission on Human and Peoples' Rights' (2006) *African Human Rights Law Journal* 408.

<sup>28</sup> *SERAC v. Nigeria*, Communication No. 155/96, para 49: 'Actio popularis is wisely allowed under the African Charter'.

<sup>29</sup> Senegal ratified the African Children's Charter on 29 September 1998.

(15) There is no requirement under the above article that the provisional measure may only be issued after a decision on the admissibility of the Communication has been reached. An analysis of the Committee's jurisprudence reveals that it has not yet obtained the opportunity to address provisional measures.

(16) In this instance, therefore, the authors will rely on the African Commission's guidelines on provisional measures as well as the jurisprudence of the African Commission which has a long-standing practice of dealing with provisional measures.

(17) The African Commission has issued provisional measures prior to the consideration of admissibility on several occasions. For instance, In *Miss A v Cameroon*,<sup>30</sup> the Commission adopted a provisional measure urging Cameroon to ensure that the victims, who were in prison, were provided with adequate medical care before ruling on admissibility.

(18) In the Inter-American system, provisional measures have been used to protect the rights of children.<sup>31</sup> One such case is that of *Reggiardo Tolosa* where the Inter-American Court of Human Rights (IACtHR) ordered the state of Argentina to place with their biological parents two children registered as the children of third parties.<sup>32</sup>

(19) Children should be protected from any situation which causes them harm in any way.<sup>33</sup> In the present case, the *talibés* are being subjected to irreparable harm by living in unsafe conditions, beaten, removed from their families and deprived of any meaningful education to work on the streets as beggars. Such an environment undoubtedly causes sufficient emotional, physical and intellectual harm as to be considered irreparable, especially considering that most *talibés* are generally very young and in their formative years. It is for this reason that the authors seek an interim order for their protection by urgent intervention of the state.

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<sup>30</sup> Communication 258/2002, (2004) AHRLR 39 (ACHPR 2004), paras 7 and 8; See also *Bakweri Land Claims Committee v Cameroon*, Communication 260/02, (2004) AHRLR 43 (ACHPR 2004), paras 16 and 17.

<sup>31</sup> Article 63.2 of the Inter-American Convention on Human Rights provide for provisional measures: 'In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration.'

<sup>32</sup> *Gonzalo Xavier and Matías Angel Reggiardo Tolosa v Argentina* IACtHR (1994); See also *Case of the children and adolescents deprived of liberty in the "Tatuapé Compound" of the "Fundação Estadual do Bem-Estar do Menor" (FEBEM) in São Paulo, Brazil* (2008)

<sup>33</sup> It does not necessarily have to be 'irreparable harm'. Save the Children 'Advancing Children's Rights: A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child' (2010) 69.



(20) It is the submission of the authors that in order to prevent the *talibés* from suffering any further, the Committee should make use of its powers under Rule 98(1) of the Rules of Procedure of the African Commission and grant a provisional measure before deciding on the admissibility. It is recommended that Senegal is ordered to issue a public statement urging the religious community, parents, *marabouts* and civil society to take the matter of child begging seriously and to report any violations to the police. It should further issue a statement to the police to prioritise reports of abuse of *talibés* and issue a statement to the judiciary urging them to impose the existing sentencing for *marabouts* who are tried in a manner that reflects the gravity of the situation. Further, the government should partner with organisations who work on addressing the child begging phenomenon in Senegal to close down the *daaras* known to have the most egregious conditions at least in accessible regions such as Dakar.

## **ADMISSIBILITY**

(21) Chapter II Article 1 of the Communication Guidelines provides that the admissibility of a communication submitted pursuant to Article 44 is subject to conditions relating to authorship, form and content which has been discussed in the *Nubian* case.<sup>34</sup>

### *Authorship*

(22) In terms of Chapter 2 article 1(I)(2) of the Communication Guidelines, the authors of the communication must specify whether they are victims of the alleged violations under the African Children's Charter or whether they are acting on behalf of the victims or other eligible parties. In this Communication, the authors are acting on behalf of the *talibés* in Senegal, whose rights under the African Children's Charter have been violated by Senegal.

(23) According to Chapter 2 article 1(I)(3) of the Communication guidelines, the Communication can be presented without the consent of the victims if it can be proved that the action taken is in the 'overall best interests' of the child. For the

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<sup>34</sup> *The Institute for Human Rights and Development in Africa and the Open Society Justice Initiative (on behalf of children of Nubian Descent in Kenya) v the Government of Kenya*, African Children's Charter, Com/002/2009, 22 March 2011.

purpose of this communication, the consent of the aggrieved children has not been sought. It is, nonetheless, submitted that lack of consent is not fatal to this communication as the action taken is in the ‘overall best interests’ of the *talibés*; it is aimed at ensuring that the government takes concrete steps to eliminate the practice of child begging, to ensure proper regulation of *daaras* and operative punishment of *marabouts*.

(24) It is further submitted that there is evidence of serious, massive and systematic violations of rights which negates the necessity of compliance with the requirement of consent. In *Amnesty International v Sudan*,<sup>35</sup> the African Commission drew a distinction between complaints where victims are identifiable and those cases of egregious serious and massive violations where it is impossible to identify all the victims.<sup>36</sup> In the present case there is evidence of massive violations of rights involving several thousand victims, all of whom cannot be identified. Hence, the authors argue that obtaining the consent of the *talibés* is not practical. The authors therefore submit that this Communication satisfies the requirement of authorship and is to that extent admissible for consideration by the Committee.

#### *Form*

(25) Chapter 2 article 1(II) (1) of the Communication Guidelines provides for the conditions of form for Communications to be considered by the Committee. This Communication fulfils these conditions since it contains the names and contact details of the authors as was in the *Nubian* case:<sup>37</sup> it is in writing, and Senegal, the state against which the Communication is brought and where the massive violations have occurred, has ratified the African Children’s Charter. The authors therefore contend that the present Communication fulfils all the requirements as to form.

#### *Content*

(26) Chapter 2 article 1(III)(1) of the Communication Guidelines, which draws its inspiration from article 56 of the African Charter on Human and Peoples’ Rights

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<sup>35</sup> *Amnesty International, Comité Loosli Bachelard, Lawyers’ Committee for Human Rights, Association of Members of the Episcopal Conference of East Africa v Sudan*, ACHPR 1999.

<sup>36</sup> As above para 30.

<sup>37</sup> *Nubian* (n34 above).

(African Charter), sets out the requirements for content of the Communication for admissibility.<sup>38</sup> Firstly, the Communication should be compatible with the provisions of the Constitutive Act of the African Union or with the African Children's Charter. The authors submit that this condition is fulfilled since the Communication concerns violations of the provisions of the African Children's Charter.

(27) Chapter 2 article 1(III)(1)(b) of the Communication Guidelines provides that the Communication must not be based exclusively on news circulated by the media.<sup>39</sup> In the case of *Jawara v The Gambia*, the African Commission held that more important than whether the information was obtained from the media, is that the information is accurate.<sup>40</sup> The information which forms the basis of this communication was primarily obtained from personal interviews of the *talibés*,<sup>41</sup> and reports from credible organisations researching global trends in human rights and the child begging phenomenon such as UNICEF, Human Rights Watch, the International Labour Organisation, the World Bank and the United States Department of State.<sup>42</sup> Hence, it is submitted that the information relied upon is accurate and reliable and depends on well-researched and reliable sources.

(27) Also, as required by Chapter 2 article 1(III)(1)(c) of the Communication guidelines, it is the submission of the authors that the subject matter of the Communication is not being considered in other forums and that it is not currently before any other international body for investigation or settlement.<sup>43</sup>

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<sup>38</sup> Article 56 of the African Charter:

Communications relating to human and peoples' rights referred to in article 55, received by the Commission, shall be considered if they,

1. Indicate their authors even if the latter request anonymity;
2. Are compatible with the Charter of the Organisation of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the state concerned and its institutions or to the Organisation of African Unity;
4. Are not based exclusively on news disseminated through the mass media;
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and
7. Do not deal with cases which have been settled by the states involved in accordance with the principles of the Charter of the Organisation of African Unity or the provisions of the present Charter.

<sup>39</sup> See also article 56(4) of the African Charter.

<sup>40</sup> *Dawda Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000) Para 26.

<sup>41</sup> See Annex 1 and 2.

<sup>42</sup> 'Begging for Change' (n 2 above), 'Off the Backs of the Children' (n 3 above), 'Trafficking in Persons Report 2011' U.S. Department of State (n 8 above), 'Enfants mendiants' (n 14 above).

<sup>43</sup> See also article 56(7) of the African Charter.

### *Exhaustion of local remedies*

(29) According to Chapter 2 article 1 (III) (d) of the Guidelines, there must be exhaustion of local remedies,<sup>44</sup> which is the most ‘contested’ of the admissibility requirements.<sup>45</sup> The African Commission has defined a local remedy as ‘any domestic legal action that may lead to the resolution of complaint at the local or national level’.<sup>46</sup> The rule of exhaustion of local remedies, which is a ‘well-established rule of customary international law’,<sup>47</sup> ensures that domestic courts are given an opportunity to hear the matter before it is brought in the international arena in order to avoid contradictory judgments of law at national and international levels.<sup>48</sup>

(30) It is contended that exhaustion of local remedies is unnecessary considering the best interests of the number of children whose rights are being violated. In *African Institute for Human Rights and Development v Guinea*, the African Commission stated that a local remedy could not be exhausted given the number of potential victims who were in the region since it would be impractical for them to approach the Courts.<sup>49</sup> The present case involves potentially several thousands of children<sup>50</sup> and it is the authors’ submission that there are no available local remedies that can address the violations being alleged for the victims as a whole. In the *Nubian* case the Committee held the Communication admissible because it concerned the best interests of the child and the state had not ‘proactively taken the necessary legislative, administrative and other appropriate measures in order to bring to an end the current situation children of Nubian descent in Kenya find

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<sup>44</sup> See also article 56(5) of the African Charter; *Purohit and Another v the Gambia* (2003) AHRLR 96 (ACHPR 2003), *African Institute for Human Rights and Development (on behalf of Sierra Leonean Refugees in Guinea) v Guinea* (2004) AHRLR 57 (ACHPR 2004); *Article 19 v Eritrea* (2007) AHRLR 73 (ACHPR 2007); *Bissangou v Republic of Congo* (2006) AHRLR 80 (ACHPR 2006); *Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000); *Media Rights Agenda and Others v Nigeria* (2000) AHRLR 200 (ACHPR 1998).

<sup>45</sup> NJ Udombana ‘So Far, So Fair: The Local Remedies Rule in the Jurisprudence of the African Commission on Human and Peoples’ Rights’ (2003) 1:97 *The American Journal of International Law* 2.

<sup>46</sup> See *Constitutional Rights Project [CRP] v. Nigeria*, Communication No. 60/91.

<sup>47</sup> *Interhandel (Switzerland v US)*, Preliminary Objections ICJ (21 March 1959) ICJ Reports 6 27.

<sup>48</sup> *SERAC v. Nigeria*, Communication No. 155/96, para 37.

<sup>49</sup> *African Institute for Human Rights and Development (on behalf of Sierra Leonean Refugees in Guinea) v Guinea* (2004) ACHRLR 57 (ACHPR 2004) para 34.

<sup>50</sup> Facts, para 1.

themselves in'.<sup>51</sup> The authors contend that the current matter is subject to the same consideration.

(31) It is also an established rule that 'only domestic remedies that are available, effective, and adequate ... need to be exhausted'.<sup>52</sup> As stated in the summary of facts, there is no prospect for *actio popularis* in the domestic Courts of Senegal and thus the victims as a group will have no standing in the domestic courts of Senegal. To approach the office of the prosecutor is also not available or effective.<sup>53</sup> Not only is there no realistic means to influence the decision of the prosecutor, such discretion is more within the purview of an executive power than a real judicial remedy to be exhausted. Therefore, domestic remedies are not 'available' to the authors.

(32) Moreover, concerning the alleged violations, it is either the victims or someone directly affected by the violations that can bring the case to the domestic courts.<sup>54</sup> There are an estimated 100 000 *talibés* and for each to bring their own claim would be so impractical as to be virtually impossible. Further, permission would have to be obtained from all their parents or they would need to be represented by the state. This would require an action to be brought by the very parties most responsible for their current neglect and violation of their rights. In such a case, local remedies cannot be considered 'effective'.

(33) The African Commission's jurisprudence furthermore reveals that in cases of 'serious and massive violations', local remedies need not be exhausted.<sup>55</sup> The failure of the state to protect so many children on the streets of Senegal's central cities facing such egregious violations of their rights for enshrined in the African Children's Charter for many years now amount to 'serious and massive violations'.

(34) It is therefore the contention of the authors that this case merits an exception to the rule of exhaustion of local remedies and the Committee should declare that the communication is admissible

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<sup>51</sup> *Nubian case* (n 35 above) para 29.

<sup>52</sup> *Jawara* (n 40 above) para 32.

<sup>53</sup> Facts, para 3.

<sup>54</sup> Facts, para 3.

<sup>55</sup> 27/89-46/91-49/91-99/93 *Organisation Mondiale contre la Torture, Association Internationale des Juristes Démocrates, Commission Internationale des Juristes, Union Interafricaine des droits de l'Homme v Rwanda* (1996) para 18.

## MERITS

(35) Senegal has violated several articles of the African Children's Charter including articles 4 (best interest), 5 (survival and development), 11 (education), 14 (health and health services), 15 (child labour), 16 (protection against child abuse and torture), 21 (protection against harmful social and cultural practices) and 29 (sale, trafficking and abduction).

### *Article 4: Best interests of the child*

(36) Article 4 of the African Children's Charter provides:

In all actions concerning the child undertaken by any person or authority, the best interests of the child shall be the primary consideration.

(37) The best interest of the child is a well-recognised principle also enshrined in article 3(1) of the Convention on the Rights of the Child, and applies to the interpretation and enforcement of all rights pertaining to the child as was underscored in the *Nubian* case.<sup>56</sup>

(38) A person or authority should always act in a manner that accommodates the best interests of the child. In this regard, the African Children's Charter requires states to take measures ensuring the realization of rights guaranteed under the instrument.<sup>57</sup> This includes states' responsibility to ensure that non-state actors do not violate these rights, and is well grounded in the case law of the African Commission on Human and Peoples' Rights. For instance, in the case of *Zimbabwe Human Rights Forum v Zimbabwe*, it was held that a state can incur international responsibility 'because of the lack of due diligence to prevent the violation or to respond to it'.<sup>58</sup> It further held that

...the primary responsibility for the protection of human rights in a country lies with the government of that country... The responsibility of maintaining law and order in any country lies with the state specifically with the police force of that state. As such, it is the duty of the state to

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<sup>56</sup> *Nubian* case (n 23 above); (Art 3(1) Convention of the Rights of the Child, *Midwa v Midwa* (2003) AHRLR 189 (KeCA 2000), *Neulinger and Shuruk v. Switzerland* ([GC], no. 41615/07, ECHR 2010) *Hokkanen v. Finland*, 23 September 1994, Series A no. 299-A, *Nuutinen v. Finland*, no. 32842/96, ECHR 2000-VIII.

<sup>57</sup> Article 1(1) of the African Children's Charter.

<sup>58</sup> *Zimbabwe Human Rights Forum v Zimbabwe* (2002) AHRLR 128 (ACHPR 2006) para 115: See also *X and Y v Netherlands* 91 ECHR (1985) Series A.

ensure through its police force that, where there is a breakdown of law and order, the perpetrators are arrested and brought before the domestic courts of that country.<sup>59</sup>

(39) Moreover, in the case of *Velasquez v Honduras*,<sup>60</sup> the Inter-American Court of Human Rights held that the state has an obligation to exercise due diligence in ensuring that third parties do not violate the rights of their citizens. In its failure to exercise due diligence to protect the rights of the *talibés* by not seriously punishing the perpetrators of rights violations, Senegal has violated the African Children's Charter.

(40) It is therefore submitted that the lack of regulation of *daaras* by the state, the sending away of children by parents and the exploitative conditions under which the *marabouts* keep *talibés* violate article 4 of the Charter as the best interests of the *talibé* children are not respected, thereby depriving them of a number of other substantive rights in the African Children's Charter.

#### *Article 5: Survival and development*

(41) Article 5(2) of the African Children's Charter provides as follows:

States Parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child.

(42) The Committee on the Convention on the Rights of the Child has taken 'development' to mean 'the broadest sense embracing the child's physical, mental, spiritual, moral, psychological and social development'.<sup>61</sup> In addition, the World Declaration on the Survival, Development and Protection of Children<sup>62</sup> has interpreted these rights to entail, amongst others, access to adequate healthcare and education, a safe environment, access to clean water, nurturing care-givers and parents and working towards the abolition of child labour and the protection of working children.

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<sup>59</sup> *Zimbabwe Human Rights* above paras 68-70.

<sup>60</sup> *Velasquez -Rodriguez v Honduras* Inter-American Court of Human Rights, Judgement of 29 July 1988, Para 172 (Series C) No. 4.

<sup>61</sup> General Comment 5, General measures of implementation of the Convention on the Rights of the Child (articles 4, 42 and 44, para 6) Committee on the Rights of the Child (2003) para 12.

<sup>62</sup> Universal Declaration on the Survival, Development and Protection of Children, World Summit for children, 30 September 1990.



(43) The authors contend that the government of Senegal is not currently ensuring the greatest survival, protection and development of *talibés*. The overall situation and the lack of assistance or safeguarding by the state has not left the *talibés* in a situation where their protection, survival or development is safeguarded but is, in fact, actively being harmed. The state has the duty to protect the right to development of the *talibés* by acting diligently when their development is endangered but it has taken no concrete steps to stop the practices of forced child begging.

(44) It is therefore submitted that Senegal is in violation of Article 5 of the African Children's Charter by not safeguarding the survival and development of the *talibés*.

#### *Article 11: Education*

(45) Article 11(3) of the African Children's Charter states as follows:

State parties to the present Charter shall take all appropriate measures with a view to achieving the full realisation of this right and shall in particular:

a. provide free and compulsory basic education

(46) Paragraph 1 of the UN Committee on Economic, Social and Cultural Rights' General Comment No 13 states that '[e]ducation is both a human right in itself and an indispensable means of realizing other human rights'.<sup>63</sup> Education is further described as essential for combating poverty, inequality and division in society. Senegal guarantees access to education, and the supervision of private education by the state to all Senegalese children in its constitution<sup>64</sup>

(47) The right to education has been enunciated various international instruments.<sup>65</sup> Along with article 11 of the African Children's Charter, it is clear that the right to education requires the state to respect, protect, and fulfil not only basic primary education that is context-relevant and meaningful to development to

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<sup>63</sup> General Comment 13 CESCR, E/C.12/1999/10.

<sup>64</sup> Articles 21, 22 and 23, Constitution of Senegal, 2001.

<sup>65</sup> See for example, General Observation 1 of the UN Committee on the Rights of the Child, 2, U.N. doc CRC/GC/2001/1(2001); General Comments 11 and 13 of the Committee on Economic, Social and Cultural Rights; World Declaration on Education for all and Framework for Action to meet basic needs, Jomtien March 1990, 5-7.



the full capacity of the child, but that the right must be realised substantively.<sup>66</sup> Schools therefore need to be of a good working standard. This comprises learning hard skills such as numeracy, literacy and analytical thought processes as well as normative and social approaches valuable to the community the child lives in.<sup>67</sup>

(48) According to Article 8 of the African Commission's Pretoria Declaration on Economic, Social and Cultural Rights in Africa a state is required to provide for 'free and compulsory basic education'. The state has not set standards for the content of their curricula or for the facilities in which they operate. Schools and their teachers are not inspected. There are no meaningful alternatives to *daaras* as there are often informal fees attached to state primary schools making poor parents choose the entirely free *daaras* instead.<sup>68</sup> Education in *daaras* with its focus on obtaining daily begging quotas means that very often *talibés* are deprived of the ordinary basic education the state should provide to them under the African Children's Charter. Furthermore, they do not receive the cultural/religious education they are meant to from the *marabouts*.<sup>69</sup>

(49) According to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the obligation to protect requires 'States parties to take measures that prevent third parties from interfering with the enjoyment' of the right.<sup>70</sup> Senegal should provide standards for the *daaras* to be regulated to ensure that the *marabouts* do not interfere with the proper education of the *talibés* by exploiting them for begging instead of ensuring that they receive a meaningful education.

(50) Senegal is therefore in breach of its obligations under Article 11 of the African Children's Charter by not providing for and monitoring the *talibés*' right to education.

#### *Article 14(1): Health and health services*

(51) The position of 14(1) of the African Children's Charter is as follows:

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<sup>66</sup> SERAC (n28 above) para 47.

<sup>67</sup> World Declaration on Education for all and Framework for Action to meet Basic Needs, Jomtien, March 1990 5-7.

<sup>68</sup> Enfants Mendiants (n 14 above) 19.

<sup>69</sup> Facts, para 4.

<sup>70</sup> General Comment 13 (n 65 above) para 47.

Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

(52) Paragraph 11 of the UN Committee on Economic, Social and Cultural Rights' General Comment No 14 defines the right to health as:

....an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions...<sup>71</sup>

(53) The General Comment clarifies and operationalizes article 12<sup>72</sup> of the ICESCR.<sup>73</sup> This can be used to illustrate how the government has failed to enforce its obligations under the African Children's Charter. There are essentially four main elements to determine whether the right to health is being realised. These are availability, accessibility, acceptability and quality.<sup>74</sup> Furthermore, socio-economic rights such as the right to health services entail these four obligations on the part of the government as has been affirmed before in the *SERAC* case:<sup>75</sup> the obligations to respect, protect, promote and fulfil. The Constitution of Senegal also guarantees the right to health of its citizens.<sup>76</sup>

(54) However, *talibés* do not enjoy adequate sanitation or proper nutrition in the *daaras*. In such conditions, *talibés* often become sick. Should they fall ill or be injured, *marabouts* do not take them to the hospital and they must seek and pay for healthcare themselves. *Talibés* therefore do not have access to the 'best attainable state of physical, mental and spiritual health' as they are daily placed in conditions which causes harm to their health, and are not assisted by their caretakers when their health is then endangered.

(55) These omissions are the result of the government of Senegal's lack of supervision of the living conditions of *daaras* and the failure to prosecute *marabouts* who do not properly take care of *talibés* under their responsibility.

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<sup>71</sup> The right to the highest attainable standard of health: 2000/08/11. E/C.12/2000/4. (General Comments).

<sup>72</sup> Article 12(1) of the ICESCR: 'The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.'

<sup>73</sup> Senegal ratified the ICESCR without reservations in 1978.

<sup>74</sup> Paragraph 12 (a)-(d) of General Comment 14.

<sup>75</sup> *SERAC* (n28 above) paras 45-47.

<sup>76</sup> Section 8, Constitution of Senegal, 2001.

(56) Senegal is therefore in violation of article 14 of the African Children's Charter by not ensuring the best attainable standard of health for *talibés*.

*Article 15: Child labour; Article 29: Sale, abduction and trafficking*

(57) Article 15 of the African Children's Charter clearly states that exploitative work for children that harm their development amounts to child labour. Furthermore, it places a positive duty on States to ensure the protection of children from harmful work in the following terms:

1. Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development;
2. State parties to the present Charter shall take all appropriate legislative and administrative measures to ensure the full implementation of this article which covers both the formal and informal sectors of employment and having regard to the relevant provisions of the International Labour Organization's instruments relating to children

(58) The Charter further expressly forbids forced begging in article 29:

3. States Parties to the present Charter shall take appropriate measures to prevent:
  - (a) the abduction, the sale of, or traffic of children for any purpose or in any form, by any person including parents or legal guardians of the child;
  - (b) *the use of children in all forms of begging*. (emphasis added)

(59) The International Labour Organisation (ILO) Conventions (as referred to in article 15(2))<sup>77</sup> make it clear that states are responsible for the prevention of child labour through 'effective enforcement'.<sup>78</sup> Further, they expressly state that work akin to slavery (which includes trafficking of children and compulsory labour) and work that harms the health, safety or morals of children comprises the worst forms of child labour.<sup>79</sup> States are responsible in such cases for identifying children especially at risk, removing and caring for them.<sup>80</sup>

(60) Trafficked children can be defined as

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<sup>77</sup> ILO Convention (No 138) Concerning Minimum Age for Admission to Employment, ILO Convention (No182) Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>78</sup> Article 9(1), ILO Convention 138.

<sup>79</sup> Article 3, ILO Convention 180.

<sup>80</sup> Article 7(b), 7(d) read with Article 3, ILO Convention 180.

Children who are moved from one place to another for the purposes of exploitation are considered trafficked whether it happened with their consent or not.<sup>81</sup>

This includes trafficking networks involving family members and trafficking within countries.<sup>82</sup> In Senegal, children are sent by their parents from the villages to *daaras* to become *talibés* generally without their informed consent. It is as they arrive there that *marabouts* force them to beg for a daily quota.<sup>83</sup> This falls within the definition of trafficking in children under article 29(a) above.

(61) Under the African Children's Charter and under the ILO Conventions forced child begging is a practice of exploitative labour akin to slavery.<sup>84</sup> The number of hours spent per day begging, the beatings for not bringing a sufficient quota of goods per day and the health and safety risks caused by standing in busy streets supports this submission. It is also the very essence of what is prohibited under article 29(b) of the African Children's Charter: *talibés* are children used for begging by *marabouts*.

(62) The government of Senegal should be taking special measures to ensure that the *talibés* are protected as required under articles 15 and 29 of the African Children's Charter and various provisions of the ILO Conventions.<sup>85</sup> The urban *talibés* are an identifiable group of children vulnerable to be exploited for the worst forms of child labour. They require direct support and intervention from the state which Senegal has not effectively done.

(63) It is submitted, therefore, that Senegal is violating articles 15 and 29 of the African Children's Charter by not protecting the *talibés* against trafficking, forced begging and child labour.

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<sup>81</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000 available at:

<http://www.unhcr.org/refworld/docid/4720706c0.html> (accessed on 15 May 2012).

<sup>82</sup> Begging for Change (n 2 above) 32.

<sup>83</sup> In some instances, parents are unaware of the conditions in urban *daaras* but in other instances parents know or return children to *daaras* after they had run away. Begging for Change (n 2 above) 14.

<sup>84</sup> UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted September 7, 1956, 226 U.N.T.S. 3, entered into force April 30, 1957, acceded to by Senegal July 19, 1979, art 1(d).

<sup>85</sup> Article 9(1), ILO Convention 138; Article 3, Article 7(b), 7(d) read with Article 3, ILO Convention 180.

*Article 16: Protection against child abuse and torture*

(64) Article 16(1) of the African Children's Charter stipulates as follows:

16(1) State parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child.

(65) *Talibés* are regularly subjected to beatings if they do not reach the minimum daily begging quota. The *talibés* go through physical ill-treatment and emotional abuse as the pressure to obtain the quota and the fear of the consequences when they cannot leads to high levels of stress and anxiety.

(66) Inhumane and degrading treatment has been defined by the African Commission as including 'not only actions which cause serious physical or psychological suffering, but which humiliate the individual or force him or her to act against his will or conscience' in the case of *International Pen*.<sup>86</sup> The *talibés* are forced to spend the majority of their day in the street as beggars exposed to not only physical, but also psychological suffering.

(67) It is clear from article 16(1) that the states' responsibility to take 'specific legislative, administrative, social and educational measures' extend to when such treatment is done by a school authority or any person who takes care of a child. With its minimal imposition of its penal laws and the lack of proactive measures taken to protect *talibés* it is clear that Senegal has not taken (especially) the administrative, social and educational measures required of it under article 16(1).

(68) In view of the above, it is submitted that the government of Senegal is in violation of article 16 of the African Children's Charter.

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<sup>86</sup> *International Pen and Others (on behalf of Saro-Wiwa) v Nigeria* (2000) AHRLR 212 (ACHPR 1998).

*Article 21(1): Protection against harmful social and cultural practices*

(69) In terms of article 21(1)(a) of the African Children's Charter:

State parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: those customs and practices prejudicial to the health or life of the child.

(70) Resolution 7/29 adopted by the UN Human Rights Council urges states 'to take measures to change attitudes that condone or normalize any form of violence against children, including ... harmful traditional practices ...'.<sup>87</sup> The *marabouts*, under the shade of culture, indulge in a harmful social practice which adversely affects the rights of *talibés*. The *daaras* were originally institutions which provided *Quranic* education and *talibés* were sent there as a traditional practice but over the years has become increasingly exploitative.

(71) The state should have adopted a policy to regulate the *daaras* and enforce their laws that punish *marabouts* who, in the name of custom, exploit the *talibés* as the practice in its current form is unjustifiable under the African Children's Charter. Furthermore, where the educational standards at *daaras* are lower than those *talibé* children would receive at government schools, Senegal has the obligation to ensure reform to comply with national educational standards. Culture cannot be a justification for the deprivation of education or placing children in harmful conditions.

(72) It is submitted, therefore, that Senegal is in violation of article 21(1) of the African Children's Charter by not protecting *talibés* from this harmful cultural practice.

**PRAYERS**

(73) In light of the arguments presented above, it is the authors' request that this Committee

i. As a provisional measure requests Senegal to issue a public statement urging the religious community, parents, *marabouts* and civil society to take the matter of child begging seriously and to report any violations to the police. It should

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<sup>87</sup> HRC Resolution 7/29 on the Rights of the Child, 2008, article 14.

further issue a statement to the police to prioritise reports of abuse of *talibés* and issue a statement to the judiciary urging them to impose the existing sentencing for *marabouts* who are tried in a manner that reflects the gravity of the situation. Further, the government should partner with organisations who work on addressing the child begging phenomenon in Senegal to close down the *daaras* known to have the most egregious conditions in the most accessible regions such as Dakar. It is also requested that the Committee follow-up on the implementation of provisional measures within a 15-day period as envisioned under article 98(4) of the Commission's Rules of Procedure.

ii. Declares that Senegal is in violation of the African Children's Charter under articles 4 (best interest), 5 (survival and development), 11 (education), 14 (health and health services), 15 (child labour), 16 (protection against child abuse and torture), 21 (protection against harmful social and cultural practices), and 29 (sale, trafficking and abduction).

iii. Recommends that Senegal take the following immediate steps to regulate the functioning of *daaras*:

a. Create provisions that ensure that *daaras* are regulated under the same existing standards for education, health and safety as government schools in Senegal and that *marabouts* are only allowed to manage educational institutions if they are qualified as educators. Senegal should also send inspectors to check that there is compliance with the public schooling regulatory standards and close or reform *daaras* that do not meet the relevant standards.

b. Apply the existing penal laws to give sentences to *marabouts* who do not properly educate and care for children and who are guilty of beating *talibés* that are commensurate to the gravity of the violation of their rights.

c. Provide safe alternatives for *talibés* who run away from *daaras* including more government-provided shelters, access to government schools, counselling and healthcare where needed.

d. Provide financially and administratively for more *marrainage* programs and assist *marraines* with training and resources to care for *talibé* children in their communities.

(74) The Committee may also make any such order as it deems fit in terms of equity, justice and good conscience.

(75) The Committee is implored to make use of its mandate under article 45 (1) of the African Children's Charter to carry out a fact-finding mission to Senegal in order to develop a lasting solution to the predicament of the *talibés*.

(76) Finally, in the event of these prayers being granted, the Committee should do a follow-up investigation to ensure that Senegal is abiding by the decision of the Committee within 6 months.<sup>88</sup>

All of which is respectfully submitted

Authors of the Communication

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<sup>88</sup> *Nubian case* (n 34 above) para 69(5).



## **Annex 1**

Interview with *talibé* Samba Diallo (fictitious name) on the 4 May 2012 by Ngom Désiré Youssoupha, intern at 'la Rencontre Africaine pour la Défense des Droit de l'Homme' (RADDHO), under the supervision of Mrs Fatou Kama.

Originals of the interview, which are in French (this version is the authors' translation), photos and videos are available at the office of RADDHO.

Samba Diallo is a young *talibé* with an unusual history and destiny but one which is common in the streets of Dakar - that of being exposed to begging in the streets to bring something to the *daara* (*Quranic* school). They are young and innocent but guilty when they do not bring the required quota to their *marabout*.

Ngom: What is your name?

Samba: Samba Diallo.

Ngom: Where do you live?

Samba: Ouakam (a Dakar neighbourhood).

Ngom: Where do your parents live?

Samba: Ouakam.

Ngom: Do you live with your parents or with the *marabout*?

Samba: (hesitation) with my parents.

Ngom: It is not what you told me earlier (I repeat the question to him).

Samba: Ouakam.

Ngom: With your parents or with the *marabout*?

Samba: (hesitation) with the *marabout*.

Ngom: What do you do there?

Samba: I study.

Ngom: What do you study?

Samba: (silence) I do not know.

Ngom: You do not know what you are studying? What is your level of *Quranic* verses?

Samba: I do not know

Ngom: You do not know? How long has it been since you are there?

Samba: It has been long.

Ngom: I guess you were smaller than this?

Samba: Yes

Ngom: How old are you?

Samba: (silence)...

Ngom: (I repeat the question) 8 years, 7 years or 6 years?

Samba: (Counting on his hands) (hesitation) ...8 years old.

Ngom: I guess you do not know your age?

Ngom: How much does the *marabout* ask you to bring back every day?

Samba: One thousand francs cfa.

Ngom: And what is going to happen if you do not bring back the required amount?

Samba: He will beat me.

Ngom: He beats you?

Samba: Yes he beats me.

Ngom: Has he ever beaten you?

Samba: Obviously.

Ngom: Where has he beaten you?

Samba: At my place (*daara*).

Ngom: Which part of your body did he beat you?

Samba: My back.

Ngom: Was it hurting?

Samba: (Anxiety) Yes.

Ngom: Was there any aftermath?

Samba: No.

Ngom: Where are your parents?

Samba: They are there.

Ngom: Where?

Samba: At Ouakam.

Ngom: Do you see them?

Samba: Yes.

Ngom: Do they know that you beg?

Samba: Yes.

Ngom: Do you want to stop begging?

Samba: Yes.

Ngom: What do you want to do when you grow older?

Samba: (long silence)

Ngom: Tell me.

Samba: I do not know.

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## **Annex 2**

Interview with Amadou Baldé (fictitious name) on the 13 May 2012 by Ngom Désiré Youssoupha, intern at 'la Rencontre Africaine pour la Défense des Droit de l'Homme' (RADDHO), under the supervision of Mrs Fatou Kama.

Originals of the interview, which are in French (this version is the authors' translation), photos and videos are available at the office of RADDHO.

With a dictaphone in my hand, it was difficult for me to engage a *talibé* in a discussion, which would normally end up with 'Amm Yallah jokh leu' (Give me in the name of God). They are fearful and distant, when the questions concern their way of life in the *daara* (Quranic school). It was with a lot of hardwork that I collected the testimony of Amadou Baldé (fictitious name), who, once being reassured about our identity, moved our hearts with his story. He is small, intelligent, but his appearance clearly depicts that he is not enjoying his rights.

Ngom: Good morning, how are you?

A.B: I am fine.

Ngom: What is your name?

A.B: My name is Amadou Baldé

Ngom: Where do you live?

A.B: I live in the shelter.

Ngom: Where is the shelter?

A.B: The shelter is near Liberté 6 (Dakar neighbourhood) and it there that I live.

Ngom: Do you live with your parents or...

A.B: I live in a *daara* which is situated over there.

Ngom: That is in a school where we study the *Quran*?

A.B: Yes it is to study the *Quran* but ... (silence). It is difficult there.

Ngom: And why do you say it is difficult?

A.B: There, as soon as we wake up, we roam around houses to beg, and this lasts till night and if we do not bring back the required amount, we are punished.

Ngom: What punishment you go through?

A.B: If you come back without the required amount, you are severely beaten.

Ngom: And have they ever beaten you?

A.B: Me no...because I have friends in the neighbourhood I was before and I ask alms from them, which has always saved me; but I have some friends at the *daara* who are beaten often and this is why they do not hesitate to steal from houses so that they do not come back empty handed.

Ngom: Does your *marabout* have his child at the *daara*?

A.B: Yes our *marabout* has a son but he is the supervisor (commonly called '*maggoum daara*' which literally means the 'elder of the school').

Ngom: And what do the '*maggoum daara*' do?

A.B: They supervise us and they are also allowed to beat us.

Ngom: Now, what time do you wake up in the morning?

A.B: Just after the muezzin's call of dawn (about 6 in the morning).

Ngom: What do you do in the morning?

A.B: We perform our ablution and pray, then everyone takes his pot to go on the streets.

Ngom: At this time in the morning?

A.B: Yes and in winter we are really cold.

Ngom: Now, do you want to stop begging?

A.B: Me? Of course I want to stop begging, because I want to go to school when I see children of my age going to school (silence)... but I do nothing except beg

Ngom: Ah it is hard, isn't it? Are your parents aware of your situation?

A.B: Yes they are aware, but I do not see them anymore.

Ngom: And where were you living before? Because you told me you went to see your friends for alms.

A.B: I lived at Niary Tally (suburb of Dakar).

Ngom: Do your parents live there?

A.B: Yes they live there but I have not seen them again.

Ngom: Who brought you to the *marabout*?

A.B: My father.

Ngom: And why?

A.B: (hesitation) I was at home but I was obstinate, this is why he brought me to the daara.

Ngom: So it was to 'punish' you?

A.B: I do not know what 'punish' means.

Ngom: If you are given an opportunity today, what will you tell the *marabout*?

A.B: I would ask him to stop beating the children because it hurts, and also to teach us the *Quran*, which is the reason why we came.

Ngom: Has someone ever come to your *daara* to help you?

A.B: Sometimes people bring us something to eat but each time it is the *marabout* who keeps the food. We eat the left overs which are given to us from the houses we visit.

Ngom: One last question, in case you are sick, who takes care of you?

A.B: If we fall ill, no one attends to us.

Ngom: The *marabout* does not take you to the pharmacist?

A.B: No we are not taken there.

Ngom: Thank you very much.

A.B: (silence)

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