



## The Centre for Human Rights (University of Pretoria) and La Rencontre Africaine pour la Defense des Droits de l'Homme (Senegal) v Government of Senegal

Decision NA° 003/Com/001/2012

**Country:** Senegal

**Region:** Africa

**Year:** 2012

**Court:** The African Committee of Experts on the Rights and Welfare of the Child

**Health Topics:** Child and adolescent health, Diet and nutrition, Poverty, Violence

**Human Rights:** Freedom from torture and cruel, inhuman or degrading treatment, Right to education, Right to health, Right to liberty and security of person

### Facts

The Centre for Human Rights and the La Rencontre Africaine pour la Defense des Droits de l'Homme submitted a communication to the African Committee of Experts on the Rights and Welfare of the Child in relation to the condition of some schools in Senegal. More than 100,000 children were forced to beg on the streets by the teachers for their own personal monetary gain. The children were subjected to physical and sexual assault and were malnourished.

### Decision and Reasoning

The Committee found that the activities in these schools were in violation of the African Charter on the Rights and Welfare of the Child particularly the best interest principle. The Court stated that although these schools were private schools, it was the State's obligation to protect the children and to implement human rights principles and values as enshrined in the Charter. The Committee recommended that all the children be immediately taken back to their families and be given medical assistance.

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### Decision Excerpts

“Even though the Respondent State has outlawed the practice of forced begging under Article 3 of Law No. 2005-06, the talibes are still being forced to beg and bring back to the daaras a daily quota the failure of which incurs punishment. The State has not taken any measures against the schools. The talibes are required to bring a daily quota, in order to fulfill their quota they have to beg on the street where they will be exposed to exploitation. The forced begging has compromised their right to life and development as they are often injured from traffic accidents. Moreover, this cultural practice by the marabouts causes the violations of other provisions of the Charter. The talibes are not enjoying their legal right to play, leisure and cultural activities which can advance their mental and psychological developments.” (Para 72)