

HUMAN RIGHTS WATCH

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April 3, 2012

President Macky Sall
Dakar, Senegal

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WATCH

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Dear President Sall,

We are writing to congratulate you on your recent electoral victory in Senegal. We know that this position brings you and your administration both challenges and opportunities to benefit the people of Senegal. We wish you well in this important endeavor.

Human Rights Watch has monitored human rights conditions in Senegal over the past decade. Given the relative stability of the country, our efforts have focused largely on ensuring Hissène Habré faces justice, ending forced child begging, and protecting the rights of people who identify as gay or lesbian.

We wish to share with you our concerns in these areas, and to ask for your attention to issues of justice and accountability, education and empowerment, and the promotion of social equality and non-discrimination for all people in Senegal.

The Hissène Habré Case

Hissène Habré, accused of thousands of political killings and systematic torture, has been living in exile in Senegal since 1990. His victims have been fighting to bring him to justice for 21 years in what Archbishop Desmond Tutu and 117 groups from 25 African countries have [denounced](#) as an “interminable political and legal soap opera.”

Although we had long hoped to see Habré tried in Senegal, his [victims](#) and the [Chadian government](#) now believe that extraditing Habré to Belgium is the “most suitable” option since a trial there can be organized quickly – a critical factor to ensure justice before all the survivors pass away. For Senegal to try Habré now, in accordance with a decision of the Court of Justice of the Economic Community of West African States, it would have to establish a special court “of an international character” and re-start the process of raising money, which would set back the case many more years.

As you know, a decision is expected later this year in the [case](#) between Belgium and Senegal at the International Court of Justice (ICJ) over Senegal's obligations to "prosecute or extradite" Habré as required by the [UN Torture Convention](#). The UN Committee against Torture has already [condemned](#) Senegal for violating the Convention. You should not wait for the ICJ also to find that Senegal has violated its international legal obligations, which would be an embarrassment to Senegal, long considered a leader in human rights.

Belgium has filed three extradition requests since 2011. The first two were rejected on technical grounds as the Senegalese government apparently [did not transmit](#) the Belgian legal papers intact to the court. The fourth request, filed on January 17, 2012, is still pending. We ask that you ensure this request has been properly transmitted to the courts so that the court may authorize you to decree Habré's extradition.

When we met you in Dakar in October 2009 with several of Habré's victims, you told us that you understood the victims' anguish and that you felt Senegal had badly handled the case. As president, you have the opportunity to end the victims' suffering, to ensure Habré is brought to justice, and to restore Senegal's role as a leader in and the fight against impunity.

Widespread Exploitation of Talibés

In an April 2010 [report](#), Human Rights Watch documented the system of exploitation and abuse in which at least 50,000 talibés – the vast majority under age 12 and many as young as four – are forced to beg on Senegal's streets for long hours, seven days a week, by often brutally abusive *marabouts*. We also documented widespread physical abuse, including severe beatings and several cases in which children had been chained, bound, and forced into stress positions for failing to hand over a required daily amount from their begging or for trying to run away. Moreover, our report showed that the practice of forced child begging had risen significantly, doubling in some urban areas over the previous decade.

Our work does not question the importance of traditional Quranic education in Senegal. Throughout our research, we met frequently with leading Islamic scholars and religious figures in Senegal, which led to our reports' detailed examination of the history of *daaras* in Senegal. We recognize that the vast majority of *marabouts* in Senegal continue to protect and provide for the talibés in their care. Islamic scholars stressed to us repeatedly that the practice of forced child begging today is a manipulation of traditional Quranic education into economic exploitation. As one leading *marabout* told us, exploitative *marabouts* are "living off the backs of the children."

Senegal has many of the laws necessary to protect these boys from exploitation, in particular the 2005 law that criminalized trafficking and forcing others into begging for personal financial gain. Unfortunately, the Wade government largely failed to take

concrete steps to implement the law. In all but a few cases, severe physical abuse of the talibés has gone similarly unpunished.

On March 2, the International Labour Organization (ILO)'s Committee of Experts [criticised Senegal](#) for its failure to protect talibés from abusive conditions and demanded that Senegal do more to prosecute perpetrators of forced begging and to implement a programme of “*daara* modernisation” – ensuring that the schools meet basic international standards of education and child protection. We hope that your government will formulate a clear plan to address forced child begging ahead of the 101st session of the International Labour Conference in June.

In crafting such a plan, we invite you to meet with *La plateforme pour la protection et la promotion des droits humains* (PPDH), a coalition of Senegalese civil society organizations that work on the talibé issue. There are strong Senegalese voices who work tirelessly toward ending the exploitation of these boys, often joined by leading religious figures in Senegal.

We believe that it is vital for your government to show the determination to apply the law against forced child begging and trafficking, as well as laws against physical violence toward children. We hope that your government will also take additional steps to regulate the Quranic education system. With the exception of a few state-sponsored “modern” *daaras*, Quranic schools are now subject to almost no state oversight. This has contributed to the proliferation of unscrupulous *marabouts*, who fail to ensure minimum standards that guarantee children’s rights to education, health, and physical and mental development.

The last decade has seen an ever-growing number of young boys forced to beg on Senegal’s streets, many of whom run away from abusive *daaras* and almost permanent street children. We hope that you make it an urgent priority to ensure that *daaras* are places for learning and growth, rather than for the enrichment of certain men from forced child begging and Senegalese generosity through almsgiving.

Violence and Discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) People in Senegal

Human Rights Watch has documented a series of human rights violations of sexual minorities in Senegal. Our 2010 report, “Fear for Life: Violence against Gay Men and Men Perceived as Gay in Senegal” documented systematic human rights abuses against gay men, including torture and ill-treatment at the hands of the Senegalese police, arbitrary arrest, and discrimination in access to justice. Abuses against lesbians and other sexual minorities have been less thoroughly documented, but all lesbian, gay, bisexual and transgender (LGBT) people suffer discrimination in Senegal.

We found that police frequently arrest men who are perceived to be gay and charge them with “indecent acts” or “acts against nature” under Article 319.3 of the Penal Code – even in the absence of any evidence that a crime has been committed. In February 2008, police arrested 19 men in Dakar solely on the basis of photos that appeared in a magazine alleging they had attended a “gay marriage.” Police threatened to kill the men, and ill-treated them in custody before releasing them. In December 2008, police arrested nine men in Mbao who were attending a training on HIV/AIDS prevention. The men spent four months in detention. Police tortured them, forcing several of them to strip naked and beating some of them with batons so brutally that they could not sit for days; one victim said a police officer sexually assaulted him.

In addition to these two noteworthy incidents, a number of other men in Senegal told Human Rights Watch they had been arrested on the mere suspicion of being gay. Several were beaten with batons and one man said police tortured him by sticking needles under his nails.

The Senegalese authorities have further failed to protect gays and lesbians in Senegal by failing to prevent or punish incitement to violence, including public remarks made by religious leaders and politicians who have called for the killing of homosexuals.

Fear of arrest and prosecution has prevented gay men from accessing essential services, such as HIV/AIDS prevention and treatment.

The Senegalese government has an obligation to protect the basic rights of all citizens, including lesbian, gay, bisexual and transgender people. The new government should immediately put a halt to police violence against and arbitrary arrests of LGBT people. It should ensure that those who incite or participate in violence against gays, or any other community, are held accountable.

In light of evidence that the criminalization of homosexuality is an impediment to HIV/AIDS prevention and treatment, as well as a violation of the rights to privacy and non-discrimination that are guaranteed by the International Covenant on Civil and Political Rights, the new government should review with a view to repealing Article 319.3 of the Penal Code, and should consider passing anti-discrimination legislation that protects individuals from discrimination on the basis of sexual orientation and gender identity.

President Sall, we again congratulate you on your electoral victory and wish you well. We would welcome the opportunity to meet with you to discuss Senegal's human rights challenges. To arrange a meeting or discuss any questions or concerns about the issues raised in this letter, please do not hesitate to contact me at 1-212-216-1223 or bekeled@hrw.org.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Bekele".

Daniel Bekele
Executive Director
Africa Division
Human Rights Watch