



Study on the Practice of Trafficking in Persons in Senegal

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FOREWORD

The purpose of this study on the practice of trafficking in persons in Senegal is to conduct an assessment for the USAID Mission in Senegal that will 1) provide USAID and the Government of Senegal with information and data on the nature and magnitude of the trafficking phenomenon, including gender, geographic and economic aspects; 2) assess development activities and organizations involved in addressing trafficking in persons; and 3) assess the Government of Senegal's efforts to address trafficking in persons to date and identify country-level priorities and gaps.

The study was prepared at the request of the USAID Mission in Senegal. It was prepared under the Short-term Technical Assistance and Research under EGAT/WID management to Support USAID Washington and Field Mission Anti-Trafficking Activities GEW -I-00-02-00017-00 , Task Order #1 (ATTO), managed by Development Alternatives, Inc. (DAI).

The background research for the study began on June 28, 2004, with a desk review of existing publications and programs relating to trafficking in persons in Senegal and the surrounding countries by consultants Bruno Moens and Veronica Zeitlin and DAI ATTO staff member Pamela Sumner Coffey.

The study is based mainly on findings obtained during fieldwork conducted from July 11 through August 4, 2004. The expert team conducting the fieldwork was composed of anti-trafficking expert and Team Leader Bruno Moers; international consultant Veronica Zeitlin; local consultant Codou Bop, and local consultant Rokhaya Gaye.

The team wishes to thank the USAID Mission and the U.S. Embassy in Senegal for providing the support and background information needed to develop and carry out the study. The team also expresses its gratitude to members of the Government of Senegal, local nongovernmental organizations, and international organizations who met with the consultants and provided invaluable information. The team especially wishes to express its appreciation for the time, support, and insight provided in Senegal by Abdrahmane Diallo, Scott Dobberstein, Philip W. Roskamp, Alan B. Latimer, and Mame. Bassine Niang. The team also wishes to thank Pamela Sumner Coffey and Elaine Blakeley at DAI for their overall support for and assistance with this assessment.

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ACRONYMS

AEJT	L'Association des Enfants et Jeunes Travailleurs
BIT	Bureau International du Travail
CAEDH	Centre Africain des Etudes des Droits de l'Homme
CEO	Centre d'Ecoute et d'Orientation
CNLTPPA	Conseil National de Lutte contre la Traite des Personnes et les Pratiques Assimilées
COE	Council of Europe
CST	Charte Sénégalaise du Tourisme
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
FCFA	Franc de la Communauté Financière Africaine
FGC	Female genital cutting
GOS	Government of Senegal
GPAT	Global Programme against Trafficking in Human Beings
IDP	Internally displaced person
ILO	International Labour Office
IO	International organization
IOM	International Organisation for Migration
IPEC	International Programme on the Elimination of Child Labour
IRD	Institut de Recherche pour le Développement
MFDSSN	Ministère de la Famille, du Développement Social et de la Solidarité Nationale
MOU	Memorandum of understanding
MSU	Migration Statistics Unit
NATO	North Atlantic Treaty Organization
NEPAD	New Partnership for Africa's Development
OFNAC	Office National Anticorruption
ONDH	Organisation Nationale des Droits de l'Homme
PCRET	Programme Conjoint pour la Réinsertion et la Réhabilitation des Enfants Victimes de Trafic
PNALTPPA	Plan National d'Action de Lutte contre la Traite des Personnes et les Pratiques Assimilées
TBP	Time Bound Program
TIP	Trafficking in persons
TVPA	Trafficking Victims Protection Act (U.S.)
UN CTOC	United Nations Convention against Transnational Crime
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UN GPAT	United Nations Global Programme against Trafficking in Human Beings
UNICEF	United Nations Children's Fund
UNICEF WCRO	United Nations Children's Fund West and Central Regional Office
UNICRI	United Nations Interregional Crime and Justice Research Institute

UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UN Protocol	United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
USAID	U.S. Agency for International Development
RADDHO	Rencontre Africaine pour la Défense des Droits de l'Homme
WAMSU	West Africa Migration Statistics Unit
WTO	World Tourism Organization

EXECUTIVE SUMMARY

This assessment reveals that trafficking in persons (TIP) occurs both within Senegalese borders and internationally to, through, and from Senegal. Specifically, following the definition of trafficking in persons in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children¹ (the UN Protocol), people are being transported or harbored, through force or deception, for the purpose of exploitation to, through, and from Senegal,² and women and children are trafficked within Senegalese borders according to the definition of trafficking elaborated within the Economic Community of West African States (ECOWAS) Declaration on the Fight Against Trafficking in Persons, signed by Senegal in December 2001.³ The main victims of human trafficking in Senegal are women and children who are trafficked for prostitution, sex tourism, domestic labor, or organized begging.

Statistics measuring this problem are extremely difficult to obtain because no studies have been done on human trafficking in Senegal and there are no data collection mechanisms in place at this time. However, the assessment team was able to estimate that at least with regard to child trafficking, a minimum of about 142,000 children in Senegal have been trafficked for exploitative domestic labor and forced begging. Furthermore, interviews with government, international organization (IO), and nongovernmental organization (NGO) officials in Senegal indicated that this number is probably significantly larger. Moreover, interviews and existing literature indicate that women and children are trafficked for prostitution as well and that adult women are also being trafficked for domestic labor, commercial and sexual exploitation.

The Government of Senegal (GOS), IOs, and local NGOs in Senegal have not implemented programs to directly address the problem of trafficking in persons. This assessment uncovered indicators strongly suggesting that this problem will escalate if these actors do not begin to combat the problem immediately.

¹ United Nations (2000), Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3.

² For a detailed discussion of the formal definition of trafficking in persons, please see Section 1.4 of this report.

³ ECOWAS, Twenty-Fifth Ordinary Session of Authority of Heads of State and Government, *Declaration on the Fight against Trafficking in Persons*, Dakar, December 2001.

THE NATURE OF THE PROBLEM

Internal Trafficking

The fieldwork reveals more information about internal trafficking (human trafficking that takes place within Senegal) than about international trafficking affecting Senegal. The most prevalent forms of internal trafficking appear to be the trafficking of children for prostitution, domestic labor, and begging. However, the research demonstrates that trafficking of adult females for prostitution and domestic labor also likely occurs in Senegal. Some of these women and children are recruited from one region of Senegal and transported by traffickers to another region where they are placed in exploitative situations. Others migrate on their own initiative, but once in a new destination fall prey to traffickers who take them in and subject them to sexual exploitation or abusive labor.

Trafficking for prostitution: Women and children come from rural areas all over Senegal to urban and tourist areas for prostitution in brothels, private homes, weekly markets, and tourist establishments. The cities of Dakar, Thies, St. Louis, Kaolack, and Ziguinchor have high concentrations of adult and child prostitutes. Tourist zones, including Kaolack, Mbour, Mbour Sally, Cap Skirring, and Sine Saloune, have active prostitution industries as well. Increasingly, weekly markets transform at night into hubs of prostitution. Under the UN Protocol definition of trafficking, children placed in prostitution by adults are trafficking victims, as are exploited adults.

This research reveals that most victims of child trafficking in Senegal come from particularly impoverished rural regions of the country. In addition, urban street children are recruited for prostitution in brothels, private homes, and hotels in city centers. Their pimps, or traffickers, can be any one of a range of people, including former or older Senegalese prostitutes, tourists or other foreigners, or people working in tourist establishments. Moreover, there is substantial evidence of organized prostitution that may constitute trafficking.

Internally displaced persons (IDPs) in the southern Casamance region of Senegal, where there has been a rebellion for the last 22 years, migrate regularly to Dakar or Ziguinchor for prostitution. In the Casamance region, soldiers stationed in villages on the border of Guinea Bissau and The Gambia receive children for sex services as well.

Trafficking for domestic labor: Women and girls come from impoverished rural areas of Senegal looking for work as maids in Senegalese urban zones. A large number of child domestic workers in Senegal migrate from their rural villages of origin to cities to look for economic opportunities during the slow agricultural seasons. Often, urban employers subject them to abusive work conditions that rise to the level of trafficking.

Trafficking for forced begging: The fieldwork also demonstrates that some children are trafficked for begging when religious practices are exploited for material gain. In Senegal, there is a long and legitimate tradition of parents sending children to a religious school, called a daara, to learn the Koran under the tutelage of a marabout. The students in these

schools are generally boys between the ages of 5 and 18 and they are called talibés. However, the fieldwork reveals that an unscrupulous minority of marabouts abuse this tradition for personal profit. These marabouts operate a kind of daara that exploits talibés by forcing them to beg in the street for long hours. The marabouts then live off the revenue collected by their talibés.

These marabouts generally bring talibés from rural villages in Senegal to Senegalese urban centers. A majority of these talibés are brought from the northern Foutah region of Senegal, an area that suffers from regular droughts. In addition to taking the children to Dakar, these marabouts commonly transport their talibés to St. Louis, Thies, and Kaolack. Zinguinchor also has a high concentration of begging talibés. Some of these talibés are forced to beg under abusive and exploitative conditions; these children are victims of trafficking and they suffer conditions of life deleterious to their physical, emotional, and educational development.

International Trafficking

Fieldwork case studies also demonstrate that human trafficking in Senegal is international in scope. Trafficking in persons to, through, and from Senegal occurs for a variety of purposes, including domestic servitude of adults and minors, forced agricultural labor of children, prostitution of females, and forced begging of children. The case studies indicate that the most predominant form of international trafficking affecting Senegal is the country's role as a source country for females trafficked for domestic labor. These studies show that Senegalese females are trafficked for domestic labor primarily to the Middle East, but also to Europe and North America. However, recent case studies and news reports also indicate that Senegal is a source country for children trafficked internationally for agricultural labor, a transit and destination country for prostitution of adult females and girls, and a destination country for trafficking of young boys for begging.

The Magnitude of the Problem

As mentioned above, no studies on trafficking in persons in Senegal have been conducted, making it difficult to quantify this problem. Moreover, because Senegal does not maintain a victim database or dedicated information collection system for trafficking in persons cases, there are no formal statistics documenting the extent of the problem in Senegal.

To attempt to gauge the magnitude of the problem, the consultants relied heavily on the opinions of IO and NGO officials working with prostitutes, domestic workers, and child beggars, including talibés. These informants agreed that trafficking in persons is occurring in significant numbers in Senegal.

Regarding a statistical measure of the problem, the consultants looked for data on human trafficking-related phenomena, such as prostitution, domestic workers, and child beggars, including talibés in Senegal. Few statistics exist regarding these phenomena in Senegal,

however. The closest the consultants could come to providing a minimum estimate of people trafficked was with regard to trafficking of child domestic workers and talibés. Based on existing studies, the consultants concluded that at least 142,000 such children have been trafficked in Senegal.

The consultants arrived at this estimate by referring to a 1993 United Nations Children's Fund (UNICEF) study that found that there were 53,370 domestic workers between the ages of 6 and 18 in Senegal. A 1998 UNICEF study found that in Senegal, 80 percent of children working in a family setting received no salary,⁴ indicating that a large number of child domestics work under exploitative conditions that rise to the level of trafficking. This suggests that it is likely that 80 percent of the child domestics counted by UNICEF were likely trafficking victims. Regarding talibés who are forced to beg for long hours, Direction de l'Action Sociale estimated that there are 100,000 in Senegal.⁵ Therefore, we can say that with regard to child domestics and talibés, it is likely that a minimum of about 142,000 have been trafficked in Senegal. It is important to note that this number excludes children trafficked for prostitution and all trafficking of adults in Senegal. The U.S. State Department considers that human trafficking is a significant problem in countries where 100 or more persons are victims of TIP.⁶

Economic, Cultural, and Political Context

As in other regions and countries worldwide, the foundation of human trafficking in Senegal is built upon an amalgamation of economic, cultural, and political factors. The cyclical and perpetuated nature of poverty in rural areas creates an incentive for people to travel to urban areas looking for income-generating opportunities. Some of these individuals fall prey to traffickers who promise them legitimate work opportunities but in fact subject them to sexual exploitation or abusive labor. Poverty also contributes to a cultural reliance upon and acceptance of child labor, resulting in the practice of parents willingly giving their children to persons who (often without the parents' knowledge) subject the children to sexual exploitation or forced labor.

Gender inequality and the low status of Senegalese women, moreover, create a cultural acceptance of women and girls being subjected to exploitative work conditions. In addition, abuses of religious traditions, fluctuating legal, political, and institutional frameworks, and the presence of corruption merge to form conditions that can facilitate the trafficking of human beings in Senegal.

⁴ UNICEF, Bureau Regional pour l'Afrique de l'Ouest et du Centre, *Problematique Du Travail et du Trafic des Enfants Domestiques en Afrique de l'Ouest et du Centre*, 1998.

⁵ Direction de l'Action Sociale, and see also DEI Senegal, *Situation des enfants au Sénégal*, 1995, p. 4. Found in the NGO Group for the Convention on the Rights of the Child Database of NGO Reports presented to the UN Committee on the Rights of the Child. See http://www.crin.org/docs/resources/treaties/crc.10/Senegal_NGO_Report.

⁶ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, Washington, June 2004, p. 30.

GOS, International Community, and NGO Response: Identifying Gaps and Recommendations

The fieldwork reveals that unless the GOS, the international community, and local NGOs act soon to address TIP in Senegal, the problem is likely to become more serious because Senegal currently lacks the legal and institutional means to address this problem. Senegal has no specific national legislation criminalizing trafficking in persons, and although a national anti-trafficking Plan of Action has been finalized, it has not been approved or implemented. Moreover, there is weak governmental recognition that human trafficking is a priority area for action.

Although the fieldwork demonstrates that the GOS has undertaken a few anti-trafficking initiatives, it has not taken sufficient and effective action to combat the phenomenon, whether because of financial limitations, a lack of priority on the issue, or insufficient political backing. Thus far, the most significant governmental initiatives to deal with human trafficking have been the designation of a central countertrafficking role to the High Commissioner of Human Rights/Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix and the elaboration of a National Plan of Action. However, the GOS has not yet established any actual anti-trafficking programs.

If the GOS does not put in place legal and institutional mechanisms to regulate trafficking persons and provide assistance and protection for victims, the problem will likely escalate. Passing a statute criminalizing human trafficking would empower police to investigate this crime and prosecutors to bring traffickers in front of judges. This prosecutorial approach, however, should be applied primarily to international trafficking networks rather than to individuals involved in internal trafficking.

With regard to internal trafficking, consciousness-raising programs to educate the community on the dangers of child labor would likely constitute a more effective anti-trafficking strategy than prosecution. Another important means to combat internal trafficking would be through victim protection and social reintegration programs. Often parents or family members transport children in Senegal for the purpose of child labor that may rise to the level of trafficking. Yet, these family members are frequently unaware that they are engaging in behavior that is harmful to their child. Therefore, awareness-raising programs could significantly decrease the likelihood that such parents would subject their children to exploitative labor.

Similarly, prosecuting marabouts who subject children to forced begging would not likely constitute an effective anti-trafficking strategy. This action may be misinterpreted as legal action against the religious community and create social conflict. Rather, engaging the religious community in awareness programs on the dangers of the practice of subjecting talibés to forced begging would serve as a better way to stop this practice. Also, providing social services to actively remove exploited talibés from the minority of daaras that are harmful and to rehabilitate and socially reintegrate exploited children would be an effective anti-trafficking measure.

The fieldwork reveals that IOs working in Senegal, such as UNICEF and the International Labour Organisation (ILO), are focusing most of their programs on eradicating trafficking-related phenomena, such as child labor, rather than addressing trafficking in persons directly. Both UNICEF and ILO, however, have established anti-trafficking programs in West African countries surrounding Senegal. To effectively combat human trafficking in Senegal, IOs need to establish specific anti-trafficking initiatives in Senegal.

Similarly, local Senegalese NGOs are focusing on these trafficking-related phenomena without having sufficient awareness of, or funding to address, trafficking directly. Local NGOs need education and financial support to effectively combat trafficking in persons.

While some NGOs collaborate with government ministries to provide services for trafficking victims, there do not appear to be close ties between NGOs and government actors. Closer collaboration between these groups is needed to effectively eradicate trafficking.

Moreover, there is a great need for quantitative and qualitative studies on TIP in Senegal to provide a better understanding of the specific nature and magnitude of the problem.

Effectively combating the practice of trafficking within, to, through, and from Senegal will require more profound study of the problem, more national and international consciousness raising, and strategic implementation of the National Plan of Action. In addition, legal and institutional mechanisms need to be put in place, such as passing specific trafficking legislation and providing police and judicial training on the problem. The establishment of victim protection, rehabilitation, and social reintegration programs should also be made a priority. Moreover, the GOS, the international community, and local NGOs must cooperate closely and strategically to implement programs to eradicate this phenomenon.

PART ONE

1. INTRODUCTION

1.1 BACKGROUND

The study was prepared at the request of the U.S. Agency for International Development (USAID) Mission in Senegal. It was prepared under the Short-term Technical Assistance and Research under the Office of Women in Development, Bureau for Economic Growth, Agriculture, and Trade (EGAT/WID) management to support USAID/Washington and Field Mission Anti-Trafficking Activities GEW-I-00-02-00017-00, Task Order #1 (ATTO), managed by Development Alternatives, Inc. (DAI). The background research for the study began on June 28, 2004, with a desk review of existing publications and programs relating to trafficking in persons (TIP) in Senegal and the surrounding countries. The study is based mainly on findings obtained during fieldwork conducted from July 11 through August 4, 2004.

1.2 SPECIFIC OBJECTIVES

The objectives of this assessment are

- To provide the Government of Senegal (GOS) and USAID with information and data on the nature and magnitude of trafficking in persons in Senegal, including gender, geographic, and economic aspects.
- To assess development activities and organizations involved in addressing TIP in Senegal.
- To assess the GOS response to trafficking in persons.
- To identify country-level priorities and gaps.

In meeting these objectives, the study focuses on the prostitution and sex industry, domestic workers, and child beggars, including talibés.

In meeting the above objectives, this assessment seeks to answer the following questions:

- Who are the victims of TIP in Senegal?
- Is Senegal a country of origin, transit, or destination?
- What are the source and destination countries for victims?
- What are the major underlying socioeconomic conditions facilitating TIP in Senegal?
- What are the principal impediments to solving the problem?
- What financial, human, and technical resources would be needed to better collect information and develop policies and programs to address the problem?
- Where does the GOS stand on elaborating its National Action Plan and submitting it to the National Assembly, and what resources and strategy does the GOS plan to put in place for implementing this action plan once it is finalized and adopted?

1.3 METHODOLOGY

In carrying out the assessment, the consultants

- Collected and reviewed U.S. State Department TIP reports; literature regarding the socioeconomic situation in Senegal; and relevant Senegalese, regional, and international law on trafficking in persons and related phenomena such as AIDS/HIV and public health.
- Collected and reviewed local, regional, and international studies identified while in Senegal on phenomena related to trafficking in persons (due to the dearth of existing studies focusing specifically on TIP in Senegal). Related phenomena include, among others, the worst forms of child labor, domestic labor, child begging including the talibés, and sexual and commercial exploitation.
- Interviewed experts from local and international nongovernment organizations (NGOs), international organizations (IOs), and governmental authorities, Senegalese and Malian locals, and vulnerable groups on trafficking in persons and related phenomena. Interviews took place in Dakar, Kaolack, Mbour, and Ngaparou. In addition, telephone interviews were conducted with organization representatives in the Casamance region.
- Debriefed USAID and U.S. Embassy officials on a regular basis, providing periodic updates of research findings and the mission's progress.
- Provided USAID and U.S. Embassy officials with a draft outline of the project report at the end of the mission.

1.4 DEFINITION OF TRAFFICKING IN PERSONS

Senegal has not yet enacted specific national legislation criminalizing and defining trafficking in persons. However, Senegal has signed and ratified international conventions and regional declarations that define trafficking in persons and these are the primary definitions used in this assessment. Specifically, in October 2003, Senegal ratified the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UN Protocol),⁷ supplementing the UN Convention against Transnational Organized Crime (UN CTOC) (2000).

Trafficking is defined as:⁸

- (a) *“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation*

⁷ United Nations (2000), Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3.

⁸ Ibid.

of prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

The purpose of the UN Protocol is threefold: it intends to prevent and combat trafficking in persons, to protect and assist victims, and to promote international cooperation.⁹ As instruments targeting transnational international crime, the UN CTOC and the UN Protocol only apply to the prevention, investigation, and prosecution of trafficking in persons where the offense is transnational or involves an organized criminal group.¹⁰ However, these instruments require that states also adopt national legislation in accordance with these instruments,¹¹ and national law should apply regardless of whether trafficking involves a transnational character or organized crime.¹²

Furthermore, Senegal and its fellow members of the Economic Community of West African States (ECOWAS) clearly stated in the December 2001 Declaration on the Fight Against Trafficking in Persons that TIP crimes include not only human trafficking that takes place transnationally, but trafficking in persons and similar acts that take place within states as well.¹³

Accordingly, this assessment defines and examines trafficking in persons that takes place to, through, and from Senegal, as well as trafficking that takes place within Senegal’s own borders.¹⁴

⁹ Article 2 of the UN Protocol.

¹⁰ Article 4 of the UN Protocol.

¹¹ Article 5 of the UN CTOC and Article 5 of the UN Protocol.

¹² United Nations, *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Summary)*, www.unodc.org/unodc/en/trafficking_convention.html.

¹³ ECOWAS, Twenty-Fifth Ordinary Session of Authority of Heads of State and Government, *Declaration on the Fight against Trafficking in Persons* Dakar, December 2001.

¹⁴ The recognition of internal trafficking within national borders as well as international trafficking is in line with U.S. legislation and U.S. Government policy. Specifically, the U.S. Department of State *Trafficking in Persons Report* (June 2004) asserts that many nations misunderstand the UN Protocol definition by overlooking internal trafficking or characterizing any irregular migration as trafficking, and that trafficking in persons “does not require that a trafficking victim be physically transported from one location to another.”¹⁴ See also U.S.C. 7101 et seq., recently amended by the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

1.5 LIMITATIONS

In conducting the assessment, the consultant team had to account for the following limitations:

- The scarcity of specific studies on trafficking in persons in Senegal,
- The absence of organizations focusing specifically on the issue of trafficking in persons in Senegal,
- The lack of profound knowledge of TIP among the majority of the interviewees, and
- The relatively short (three-week) mission period, which did not allow for an exhaustive, in-depth, and quantitative assessment, but rather necessitated a study that is exploratory and qualitative in nature.

2. BACKGROUND ON TRAFFICKING IN PERSONS IN SENEGAL

This section is divided into four subsections. The first describes the groups in Senegal that are most vulnerable groups to trafficking. The second subsection examines why certain persons and groups are more vulnerable to human trafficking in Senegal, and which socioeconomic, legal, and political conditions may contribute to the problem. The third subsection measures the phenomenon of trafficking in persons in Senegal, and the fourth examines internal and international TIP trends that affect Senegal.

2.1 VULNERABLE GROUPS

The field research indicates that four primary groups are most vulnerable to human trafficking in Senegal: prostitutes, domestic workers, talibés, and street children. For each of these four groups, the following sections examine the kinds of activities that constitute certain forms of trafficking in persons, the role of consent in trafficking of particular groups of persons, and indications of prevalence of trafficking of these particular groups within, to, through, and from Senegal.

2.1.1 Prostitutes

Any situation involving a prostitute or a person having sexual relations with one or more people in which all three of the elements of the crime of human trafficking are present would constitute sex trafficking.

In other words, trafficking occurs when the individual is

- Recruited, transported, transferred, harbored, or received by one or more persons (action element)
- By means of a threat or the use of force, coercion, abduction, fraud, deception, or abuse of power or vulnerability, or through payments to another person in control of the individual (means element)
- For the purpose of prostitution or other types of sexual exploitation (purpose element).

The issue of consent: When the individual is a child (younger than 18 years of age), trafficking occurs even in cases where the means element is not present. If a child has been transported by another person for the purposes of prostitution, and that child goes willingly rather than being forced or deceived into going, that child has still been trafficked. Therefore, all children who are transported, received, or harbored by an adult for the purpose of prostitution are trafficked.

An individual who is 18 or older, however, who consents to being transported or received for the purpose of prostitution has not been trafficked, unless the means element is present (i.e., she is being forced, deceived, defrauded, etc.).

The prostitution policy in Senegal balances between the abolitionist and the regulatory approaches. The act of prostitution is not illegal. The organization and exploitation of prostitution, however, is penalized. In order to work legally, prostitutes must be at least 21 years old and be registered with the state, and they are obliged to have regular medical examinations. Few precise statistics on the number of prostitutes in Senegal exist. One 1997 study revealed that there were 20,000 registered prostitutes in Senegal.¹⁵ However, a 2002 report on child sexual abuse advises that “this number must be reviewed in light of the prevalence of illegal and child prostitution” in Senegal.¹⁶ One NGO, Association AWA, which operates health clinics where prostitutes legally register, estimates that it registered 300 prostitutes in 5 cities in 2000.¹⁷ Available literature about prostitution in Senegal and our interviews indicate that trafficking for the purpose of prostitution and sexual exploitation occurs both internally and internationally in Senegal.

2.1.2 Domestic Workers

Any situation involving a domestic worker in which all three of the elements of the crime of trafficking are present would constitute trafficking of a domestic worker.

In other words, trafficking occurs when a domestic worker is

- Recruited, transported, transferred, harbored, or received by one or more persons (action element)
- By means of a threat or the use of force, coercion, abduction, fraud, deception, or abuse of power or vulnerability, or through payments to another person in control of the domestic (means element)
- For the purpose of exploitation, such as forced labor, labor in slavery-like conditions, or any form of sexual exploitation or exploitative labor (purpose element).

The issue of consent: When the domestic is a child (younger than 18 years of age), trafficking occurs even in cases where the means element is not present. If a child domestic laborer has been transported or received by another person for the purposes of exploitative labor, for example, and that child goes willingly rather than being forced or deceived into going, that child has still been trafficked.

A domestic worker who is 18 or older, however, who consents to being transported or received for the purpose of exploitive labor, and is permitted to leave the exploitative situation, has not been trafficked.

¹⁵ Comité de Lutte Contre Les Violences Faites Aux Femmes, *L'Exploitation Sexuelle et le Trafic des Femmes et des Enfants : Etat des Lieux*, January 2002, p. 4.

¹⁶ Ibid.

¹⁷ Ebin V., *Au Sénégal, les Prostituées Sensibilisent la Population au SIDA*, December 2000, www.prb.org/French.

Trafficking occurs, moreover, when a consenting adult domestic worker is brought into an exploitative situation but later decides that she wants to leave and is not allowed to by her employer.

In addition, an adult domestic who consents to being transported for labor she thinks will not be exploitative and who then finds herself in an exploitative situation from which she cannot leave is a victim of trafficking. Although she had consented to being transported, the means element is present because she was deceived.

A 1993 Senegalese government study found the total number of domestic laborers in Senegal to be 88,000. Of these workers, 33.73 percent were between the ages of 6 and 18, and 12,000 were younger than 14 years old.¹⁸ Our interviews and existing documentation on domestic workers in Senegal indicate that both internal and international trafficking of domestic laborers occurs in Senegal.

2.1.3 Talibés

“Talib” in Arabic means “the one who searches, who asks” and the related term “talibé” has come to mean “Koranic student” in Senegal.¹⁹ Talibés in Senegal typically have a religious instructor called a “marabout” and attend Koranic schools called “daaras.” Although the tradition of Koranic study in which marabouts teach talibés is a long and respected one in Senegal, a minority of marabouts have abused this practice for their own economic gain by forcing talibés to beg under abusive conditions.²⁰

Any situation involving a child beggar or talibé in which all three of the elements of the crime of human trafficking are present would constitute trafficking of the talibé.

In other words, trafficking occurs where a talibé is

- recruited, transported, transferred, harboured, or received by one or more other persons (action element)
- by means of a threat or the use of force, coercion, abduction, fraud, deception, or abuse of power or vulnerability, or through payments to another person in control of the talibé (means element)
- for the purpose of exploitation, such as forced and abusive labor (purpose element).

The issue of consent: When the beggar or talibé is younger than 18 years of age, trafficking would occur even in cases where the means element is not satisfied. If a child has been transported by another person for the purposes of exploitative labor, and that child goes willingly rather than being forced or deceived into going, that child has still been trafficked.

¹⁸ UNICEF, *Problématique du Travail et du Trafic des Enfants Domestiques en Afrique de l’Ouest et du Centre*, July 1996, citing a study conducted in 1993 by the Senegalese government Department of Statistics.

¹⁹ See ENDA Jeunesse Action, *Some Actions to Improve the Educational System of Koranic Schools in Senegal, Mali, and Burkina Faso*, p. 3. See also www.enda.sn/eja.

²⁰ For more detailed information on this phenomenon, see Section 2.2.2.3.

Therefore, all child beggars and talibés younger than 18 who are transported or received to perform exploitative labor are trafficked.

Daaras, or Senegalese Koranic schools, have existed for centuries in Senegal. These schools are operated by religious leaders, called marabouts, who take children, most of whom are boys called talibés, into their care and teach them the Koran and fundamental Islamic values.

Interviews with Senegalese NGO staff and local authorities indicate that there are several models of these schools. In some traditional village daaras, many of which still exist, the talibés live with the marabout, sometimes entering the daara as young as 5 years old. In other models, the talibés live with their parents but visit the daara for lessons everyday or periodically. There does not appear to be a fixed model for these schools. In most daaras, the talibés range between the ages of 5 and 18 years old.

Currently in Senegal, one model of the daara facilitates the exploitation and abuse of talibés. In this model, marabouts bring talibés from the rural areas to urban zones and make them beg in the streets.²¹ These marabouts use the money the talibés collect to support themselves. The United Nations Children's Fund (UNICEF) estimates that there are 100,000 talibés who beg in Senegal.²² Our assessment found that the children in this model of daara are trafficked both internally and transnationally.

2.1.4 Street Children, Including Abandoned Children, Runaways, Children Begging with Handicapped Adults, and Street Families

2.1.2.1 Street Children

This group primarily includes boys, but also some young girls, who run away from their families and live in the street. Their life conditions are extremely precarious and they are vulnerable to health problems and physical and sexual abuse and to becoming victims of TIP. Many of these children resort to begging in order to survive. Some of these beggars, the assessment interviews indicated, pretend to be talibés by finding their own tin tomato cans, the signature begging instrument of the talibés, and using these cans to beg in the street. Without any means to support themselves, these children are easy prey to traffickers who promise them employment, but then subject them to exploitative labor conditions, which may include prostitution or sex tourism.

Although fewer girls than boys live on the street, there are girl street beggars in Senegal. In Dakar, most of them can be found at major intersections, such as at C.A. Diop Avenue and the Sicap. Some of these girls belong to street families; others are disabled Senegalese girls who come from poor families, are illiterate, and for whom begging is their sole income-generating

²¹ DEI Senegal, *Situation des Enfants au Sénégal*, 1995, p. 4. Found in the NGO Group for the Convention on the Rights of the Child Database of NGO Reports presented to the UN Committee on the Rights of the Child. See http://www.crin.org/docs/resources/treaties/crc.10/Senegal_NGO_Report. This information is also based on an interview with a UNICEF representative, July 24, 2004.

²² DEI Senegal, *Situation des Enfants au Sénégal*, 1995, p. 4.

option. These girls are vulnerable to becoming victims of physical and sexual abuse, becoming pregnant, and contracting HIV/AIDS. They are also especially vulnerable to being trafficked for sexual exploitation.

Moreover, there are also girl beggars in Senegal who have been recruited in Mali by blind persons to whom they serve as guides and for whom they beg. Because these girls have been transported to work under difficult and potentially abusive conditions (i.e., living and begging on the street, where they are vulnerable to becoming victims of violence and sexual abuse), they would technically be considered TIP victims.

2.1.4.2 Street Families

This phenomenon is a consequence of poverty and concerns those families who cannot afford to rent a place to live. Consequently, they live with their children in the street. Boys in these families often spend time with other street children; girls tend to stay for longer periods with their families, begging to help support the family. Street families can be found in Dakar near Charles de Gaulle Avenue and the grand cathedral, on Mousse Diop Street close to the French Cultural Centre, and on the Route de la Pyrotechnie in the neighborhood of Mermoz.

Members of street families are also vulnerable to being trafficked. Girls who are eager to help support their street family, for example, may be easily convinced by pimps to travel to tourist areas to be prostituted. A girl younger than 18 years old who goes with a pimp to be prostituted would be considered a TIP victim.

2.2 UNDERLYING SOCIOECONOMIC, LEGAL, POLITICAL, AND INSTITUTIONAL FACTORS AFFECTING VULNERABILITY AND CONDITIONS OF TRAFFICKING IN PERSONS

In order to appreciate why certain persons and groups are more vulnerable to human trafficking in Senegal, and which conditions may contribute to the problem, the following section provides a brief overview of socioeconomic, legal, and political conditions that affect human trafficking in Senegal. Within the confines of this study, this section does not purport to provide an exhaustive examination of all socioeconomic, legal, and political factors affecting human trafficking in Senegal. Rather, it provides some background information contextualizing some of the push/pull factors that affect vulnerable persons, and helps shed light on how trafficking in persons is facilitated in the country. Overall, this section illustrates that the cyclical and perpetuated nature of poverty along with gender inequality and the low status of Senegalese women, the practice and acceptance of child labor, migration patterns influenced by drought and conflicts, the problem of abuses of religious traditions, fluctuating legal, political, and institutional frameworks, and the presence of corruption all merge to form conditions that can facilitate exploitation and trafficking of human beings.

2.2.1 Economic Factors

Poverty is a primary concern in terms of trafficking in persons. Poverty pushes people into distinctly vulnerable positions, drastically limiting their choices. With an annual per capita income of \$600,²³ Senegal is one of the world's poorest countries. According to one study, although overall poverty decreased by 10.8 points between 1994–1995 and 2001–2002, 57 percent of all households still live on the threshold of poverty (as measured by consumption of 2,400 calories per day per adult). This same study indicates that a total of 48.5 percent of Senegalese households live in poverty.²⁴ In rural areas, however, poverty rates are higher than in urban communities; 57 percent of all rural households live in poverty. In addition, 67.1 percent of households in Ziguinchor, 66.5 percent in Kolda, 65.3 percent in Kaolack, 48.3 percent in Thies, and 46.3 percent in Fatick live on the threshold of poverty. Field interviews indicated that many individuals in the social groups identified as being vulnerable to being trafficked (prostitutes, domestic workers, and child beggars) are from these particularly impoverished regions of Senegal.

Determining factors of poverty in Senegal are:

- An annual economic growth of 2.7 percent that equals annual demographic growth and that does not meet the economic, social, educational, employment, food, and health needs of the increasing population.²⁵
- Debt paid in 2000 by withdrawing 12.7 percent from revenue earned from exportation of goods and services and 22.6 percent from income from tax revenues, including taxes from imports.²⁶
- A sharp decrease in agricultural productivity resulting from the lack of capacity among rural populations to invest in land cultivation, as well as lack of State engagement in aiding this sector. Although agricultural products constitute only 10 percent of the gross domestic product, at least 50 percent of the economically active population works in this sector.²⁷ The principal consequence of this situation is a considerable decrease in revenue in the rural sector.
- Weak national buying power as a result of the 1994 devaluation of the Franc de la Communauté Financière Africaine (FCFA).
- A high unemployment rate as well as a large number of unskilled youth (58 percent of the population is younger than 20 years old).

²³ World Bank, *Report No. 25127 SE. Senegal, Poverty Reduction Strategy Paper and Joint IDA-IMF Staff Assessment*, World Bank, 2002. p. 16.

²⁴ République du Sénégal, Ministère de l'Economie et des Finances, Direction de la Prévision et de la Statistique et la Banque Mondiale, *La Pauvreté au Sénégal, de la Dévaluation de 1994 à 2001. Version Préliminaire*, 2004, p. 2.

²⁵ World Bank, *Report No. 25127 SE. Senegal, Poverty Reduction Strategy Paper and Joint IDA-IMF Staff Assessment*, World Bank, 2002, p. 15. It should be noted that these data are for the period 1960–1993, at which time the CFA franc was devalued. After devaluation (1994), the average annual economic growth rate is 5 percent.

²⁶ *Ibid.*, p. 16.

²⁷ *Ibid.*, p. 16.

- A low overall literacy rate of 39.1 percent (51.1 percent for men and 28.9 percent for women).²⁸
- A high rate of rural to urban migration, fueled by rural poverty.

2.2.2 Social and Demographic Factors

2.2.2.1 Gender Issues

Because women and children make up the largest percentage of trafficked persons worldwide, understanding gender issues and the feminization of poverty and migration is necessary in order to fully appreciate the problem of trafficking in persons as well as to develop and implement strategies to reduce vulnerabilities and combat this modern-day slavery. Gender inequality and the low status of women in Senegal contribute to the precarious positions of both Senegalese women and their children, leaving many of them vulnerable to trafficking and exploitation.

Characteristics of the Female Population

According to the Senegalese Ministry of the Family, Social Action and National Solidarity, women represent 52 percent of the population.²⁹

- Rate of schooling: 67.6 percent (compared with 75.5 percent of boys)
- Maternal mortality rate: 510 in 100,000 live births, with only 33 percent of births assisted by qualified personnel
- Fertility rate (number of children at the end of life): 5.2 children
- Representation of women in leadership positions: 9 percent in government positions, 10 percent in the National Assembly, 3 percent of mayors, 9.09 percent of rural counselors (local-level government leaders)
- Representation in the economically active population: 39 percent at the national level and 75 percent within the rural areas. Only 7.6 percent of women have access to employment in the formal work sector; 23.6 percent have access to jobs in the informal sector. In the private sector, women represent only 4 percent of the workforce. Generally, the majority of the unemployed in Senegal are women and youth.

²⁸ Ibid., p. 18.

²⁹ République du Sénégal, Ministère de la Famille, de l'Action Sociale et de la Solidarité Nationale, *Evaluation à mi-parcours du Plan d'Action National de La Femme. 1997–2001*, 1999.

The Social Status of Senegalese Women

The above indicators illustrate the low social status of women in Senegalese society. This position is characterized by the existence of significant gender inequalities.

The principal determinant of the low social status of Senegalese women is the perception that certain activities or roles are considered feminine while others are considered masculine. The distribution of economic and social resources, as well as the distribution of power, is closely linked to the perception that certain activities are designated as being either feminine or masculine.

Moreover, attitudes and behaviors within families with regard to opportunities available to their children are governed by gender-specific notions of the child's destiny. In general in Senegalese society, girls are destined to become wives and mothers. From early childhood, they are socialized to submit to, to learn how to do, and to be responsible for multiple domestic and reproductive tasks within the family context. Having children is a woman's primordial duty. Those who fulfill this duty can expect to enjoy an elevated social status. In order to maximize the possible number of children a woman can have, girls are married precociously (sometimes as young as 12 or 13 years of age) and women have children until they reach menopause.

The lack of information regarding family planning, as well as the absence, among women, of decision-making power to practice family planning, explain the low national rate of contraceptive use, which is 8.1 percent.³⁰ A common notion in Senegal is that a woman's body belongs to her husband. It is therefore his decision whether or not she should use contraception. Principal consequences of women's lack of control over their bodies are precocious marriages and pregnancies and female genital mutilation, which contribute to Senegal's high maternal mortality rate (510/100,000 live births).

In addition, a large number of Senegalese women continue to believe that in fulfilling their designated social roles, they have no need for advanced education, either religious, academic, or vocational. These educational sectors have the lowest rate of female participation.

Women endure difficult work conditions as well. Women work long days preparing meals, doing housework, taking care of their children and elderly people in their community, and working in the fields. Currently, a significant number of women contribute to the financial support of the household, and one 1999 study indicated that 24 percent of urban households were managed by women.³¹ In many urban families, women, children, and the elderly resort to begging to earn a living. Their revenue from begging is used primarily to provide food for themselves and their families.

³⁰ République du Sénégal, Ministère de l'Economie et des Finances, Direction de la Prévision et de la Statistique. *Enquêtes Démographiques et de Santé (EDS III)*, 1977

³¹ République du Sénégal, Ministère de la Famille, de l'Action Sociale et de la Solidarité Nationale, *Evaluation à mi-parcours du Plan d'Action National de La Femme, 1997-2001*, 1999.

According to UNICEF, Senegalese society does not yet have a culture of human rights, particularly with respect to the rights of women and children. UNICEF asserts, moreover, that in Senegal, “[t]he fact that women generally do not exercise their human rights, and the nonapplication of texts and practices to address discrimination in daily life, explains, in part, the lack of a true culture of human rights in Senegal. This fact is characterized by the low popular awareness of the existence of fundamental rights, leading to the existence of social practices which deny rights, with women being considered more frequently as objects, rather than subjects, of rights. Moreover, few social structures, organizations, or authorities intervene on behalf of women whose rights have been violated. The general populace does not have the reflex to demand public recognition and application of their rights through social discourse, and even less through legal and judicial means.”³²

Although several laws have been passed in Senegal supporting women’s rights, these laws have not been well applied. In addition, many people are not aware of their rights. Though noticeable progress has been made, especially in urban areas with increased schooling for girls and expanded access for women to resources, women still have little power to exercise their rights. With weak law enforcement, cultural practices that discriminate against them, and little access to information, women still suffer from insufficient access to productive resources, education and economic opportunities. This is also apparent in the low level of participation of women in politics and their powerlessness to impact political and economic decision making.

2.2.2.2 Social Patterns and Social Change

The colonial regime, the integration of Senegal in the world economy, urbanization, the development of the educational system, the influence of the media, and growing internal and international migration have caused significant changes in social patterns in Senegalese society. These changes have had a marked impact on the vulnerable groups identified in this study, primarily in the form of disruption of family cohesion and traditional solidarity. Increasing poverty and in particular the feminization of poverty, urbanization, and the “get rich quick” syndrome have derailed certain traditional phenomena.

Child Labor

Senegalese society is characterized by the sociocultural tradition of child labor, which socializes both genders and every social caste according to designated roles and social conditions. Historically, due to a lack of resources and technical means, child labor was used frequently. Girls were taught to perform domestic work and to collect water and wood, while boys helped their fathers in agricultural tasks and cattle breeding.

The intensity of child labor depended upon the child’s age and physical strength, and generally children were not exploited. Today, according to the Bureau International du Travail (BIT),³³

³² UNICEF, *Rapport d’Analyse de la Situation de l’Enfant et de la Femme au Sénégal*, p. 150.

³³ Programme International Pour l’Abolition du Travail des Enfants (IPEC), Organisation Internationale du Travail (ILO), Fonds des Nations Unies pour l’Enfance (UNICEF), *Le Travail des Enfants au Senegal*, ILO, Dakar, 1996.

the number of children working in Senegal is estimated to be 1,486,000; 50.6 percent are boys and 49.4 percent are girls. The ages of these children range from 6 to 14.

Girls mainly help their families with agricultural tasks and work as domestics or as market sellers employed by urban families. Boys generally assist their families in agriculture, arts and crafts, and fishing, or, in urban environments, they work as apprentices, vendors, shoeshine-boys, paper boys, and the like.

The Tradition of Entrusting Children

In Senegalese society, children in principle belong to the extended family group. Each member of the family group has the right and the duty to educate the children. In this respect, each family member can exercise this right or duty by employing the child or educating the child with a view to offering the child better conditions of life.

Begging

Solidarity is an important cornerstone of African and Senegalese society. This tradition is reinforced by the Muslim religion through the recommendation to give alms. Especially within an urban context, this tradition has been somewhat abused. This is the case, for example, with the exploitation of the talibés. These are young children who have been entrusted to a marabout who is supposed to teach them the Koran, but who actually exploits them through forced begging. Hundreds of these children, many of whom are under the age of five, roam the streets of Dakar, gathering at urban intersections and leisure and commercial centers searching for money. They are obliged to collect daily between 300 and 1,500 FCFA (about \$0.40–\$3.00).

2.2.2.3 Islamic Identity, Religious Traditions, and the Influence of Brotherhoods

Ninety-six percent of the Senegalese are Muslims, and Islam plays a central role in the Senegalese social life. Senegalese Muslim society is organized into brotherhoods. Four brotherhoods exist in Senegal: the Tidianes, the Mourides, the Qadriya, and the Layènes.

Muslim brotherhoods were established by the end of the 19th century and their founders are considered wise men and saints, called marabouts, whose saintliness is considered to be hereditary. Worshippers believe that the descendants of these marabouts have inherited the holiness of their ancestors. Worshippers therefore consider their marabout a spiritual and temporal guide who teaches them the basic principles of the Islamic religion. Knowing such principles is necessary for praying and other religious obligations. Marabouts also initiate and guide worshipers in the rules of the brotherhood.

In general, the brotherhood ideology imposes on followers a total spiritual and temporal submission, including economic submission. In certain brotherhoods, the disciples have to participate in the maintenance of their master by offering him money or by performing agricultural labor in his fields.

It is in this social and religious context that one must analyze the phenomenon of the talibés who beg in the streets of the Senegalese cities. The phenomenon of the talibés only concerns boys. Senegalese society in general does not mandate that girls' religious education be lengthy or profound; instead, it is limited to the teaching of a few sourates that are necessary for prayer. Girls receive their religious education in schools for only a few hours a day and spend most of their time doing domestic labor.

With the arrival of Islamic brotherhoods, boys were brought by their fathers to religious schools or daaras. These schools are managed by marabouts who are assumed to have a profound knowledge of the holy texts, be able to recite the verses of the Koran, and possess knowledge of theology, law, and Koranic exegesis.

In this traditional system, the marabout also works on the land for his subsistence and teaches agricultural techniques to his talibés. When his studies are completed, the boy returns to his village, where he is given a piece of land. In the present context of poverty, boys are sent to marabouts who reside in the major cities, and a minority of the marabouts make the boys beg instead of teaching them the Koran.

2.2.2.4 Migration Patterns

Successive periods of drought, the sharp fall in price of agricultural products, armed conflicts, and the structural adjustment of the economy and public institutions have been the driving forces behind an increased migration in and from the West African region since the 1970s.

The decrease in quotas for labor migration and the stepped-up enforcement of migration policies in traditional Western destination regions such as Europe and the Middle East did not slow the movement of persons but rather resulted in the diversification of the migratory movements and marked a clear shift from regular to clandestine movement of people from the West African region. Stepped-up enforcement of repressive migration policies in Western countries has had little impact so far on the movement of clandestine migrants. African immigration to Southern European is forecast to surpass recent immigration waves from Eastern Europe. Along with this, a thriving migration industry emerged that became the driving force behind the irregular migratory movement of people that is often vital for those searching for new employment opportunities in the informal sector abroad. This industry is an inevitable aspect of the social and international networks that characterize today's migration process and it is made up of a range of people who earn their livelihood by organizing the clandestine migration of West African irregular migrants. While some of these migration agents are fellow nationals who help their compatriots on a voluntary basis, others are unscrupulous criminals who exploit defenseless migrants. Recent years have seen a further specialization of the industry and have engendered networks composed of people of a variety of nationalities specializing in the different components of clandestine migration such as transport, transit housing, illegal and pseudo legal labor recruitment, fake and forged documents and visas, border crossing, immigration law, etc.

The illegal migration in the West African region is further facilitated by the fact that ECOWAS, since its creation in 1975, has aimed for the right of residence and free movement within the ECOWAS zone and gradually abolished visa requirements for its member states.³⁴ The lack of visa obligations for nationals from the ECOWAS zone and its porous borders and loose border controls became facilitating factors for the movement of migrants from West Africa and other African countries.

Another contributing factor to the facilitation of the clandestine movement of persons is that some African and European countries only opened their doors for certain African nationalities. This became an incentive for migrants originating from certain countries to claim other nationalities, thereby making use of the ease of obtaining identity documents.³⁵ This mechanism is used not only for inter-African migration but also for migration to Western countries, which has caused Western countries to establish administrative bodies within their diplomatic posts to investigate the genuineness of birth and marriage certificates and other identity documents.

Despite the fact that inter-African migration still makes up for the majority of emigration from the West African region, clandestine migration to Western countries such as the United States, Canada, France, Italy, Spain, and Portugal is significantly on the rise. The West African region is often considered a gateway to those countries. The establishment of large African communities in these countries attracts many migrants from the region.³⁶ Community-bound mechanisms offer support and assistance for newcomers to find employment in the informal sector.

Attracted by the success stories of fellow nationals who made it to the West and send money back home, which is often invested in real estate and luxurious cars, many young Senegalese see those migration successes as the realization of their dreams. The market of Sandaga is considered to be the breeding place for all kinds of services and the springboard for clandestine migration to the West. But unfortunately, the sudden wealth that surrounds some of these “successful” immigrants causes candidate migrants to underestimate the harsh and enduring conditions and the fatal consequences that illegal migration often entails.

³⁴ ECOWAS, *Treaty of May 28, 1975, establishing the Economic Community of West African States*, 1975. CEDEAO, *Convention relative à la libre circulation des personnes et des biens de 1975*, 1975.

ECOWAS, *Supplementary Protocol A/SP.1/6/89 Amending and complementing the provisions of article 7 of the protocol on free movement, right of residence and establishment*, 1989.

ECOWAS, *Supplementary Protocol A/SP.1/7/86 on the second phase (right of residence) of the protocol on free movement, right of residence and establishment*, 1986.

ECOWAS, *Supplementary Protocol A/SP.1/7/85 on the code of conduct for the implementation of the protocol on free movement, right of residence and establishment*, 1985.

ECOWAS, *Protocol A/P.1/5/79 relating to free movement of persons, residence and establishment*, 1979.

³⁵ For example, South Africa's decision to grant temporary residence to nationals of Rwanda, Burundi, Somalia, Angola, Ethiopia, and Liberia gave nationals from countries like Congo and Mozambique the incentive to claim that they were from one of these nations.

³⁶ For example, the number of legally residing Senegalese nationals in Spain is estimated at 18,000 and 50,000 in Italy (Bergamo and Brescia have the biggest Senegalese community in Italy); the number of clandestine Senegalese nationals is double those numbers.

2.2.3 Legal, Political, and Institutional Factors

2.2.3.1 Legal Factors

The fact that Senegal has not incorporated a statute regulating TIP into its national legislation is an obstacle to effectively combating the problem. Although Senegal has statutes criminalizing related phenomenon, as discussed in Part Two, Section 3 of this report, the absence of specific trafficking legislation contributes to a lack of awareness of this phenomenon among law enforcement and judicial authorities. If trafficking were a defined crime in the national legal code, police would be officially empowered to investigate and arrest traffickers. Moreover, public prosecutors could bring traffickers before judges. While regulating related crimes assists in reducing TIP in Senegal, none of the related crimes includes all of the elements of the larger, more complex crime of human trafficking. Uniting all of the elements of TIP into one statute would increase the likelihood that this crime would be effectively investigated and prosecuted.

2.2.3.2 L'Etat Civil

Several issues related to obtaining official state documentation in Senegal play a role in addressing TIP. The assessment interviews indicated that the ease of obtaining certain documents, such as identity documents, marriage certificates, and parental consent forms, facilitates TIP in Senegal. Such documents have become easy to obtain in large part through bribery, fraud, or lenient government procedures.

Widespread poverty and low salaries of state officials issuing documentation facilitate bribery. The emergence of a black market for false documentation contributes to fraud. Moreover, government issuance of documents through public recordings, during which officials, because of the large number of attendees, lack the time to properly verify the identity of individuals present, also contributes to easy access to official papers.

Related to obtaining state documentation, as well, is the problem that many parents do not officially register their children at birth in Senegal. This also facilitates TIP.

Identity Documents, Marriage Certificates, and Parental Consent Forms

The assessment interviews indicated that in order to obtain national identity documents in Senegal, an individual must go to a local government office with two witnesses. The witnesses testify in front of an official that the individual is the person, nationality, and age that he claims to be.³⁷ According to interviewees, such witnesses can be bribed to testify on behalf of an individual. Moreover, state officials may be bribed. Taking advantage of this situation, traffickers from Nigeria come to Senegal to obtain Senegalese identity papers for themselves

³⁷ Interview with the NGO RADI on July 30, 2004.

and the people they traffic. They use these documents to continue from Senegal to North Africa and on to Europe. These traffickers do this because Senegalese nationals do not need visas to enter some areas of North Africa that Nigerians do need visas to visit.

With regard to child prostitution, similarly, it is not difficult for a girl younger than 21 years old to obtain, through bribery or fraud, national identity documents stating that she is old enough to register as a legal prostitute. Child traffickers wishing to prostitute a victim can also obtain the necessary identity papers to register a child as a legal prostitute.

Moreover, the ease of obtaining marriage certificates allows Senegalese nationals to enter into false marriages with foreigners. Such marriages enable them to obtain documents allowing them to travel abroad. Foreign traffickers can therefore “marry” their victims to transport them. In addition, foreigners wishing to take a child out of Senegal can bribe Senegalese parents for documents consenting to have their child taken abroad with the foreigner. With this consent form, the foreigner need only approach a judge and request that the child accompany him overseas. Our interviewees indicated that judges do not always carefully investigate the circumstances surrounding the acquisition of these consent forms to determine if such travel is in the best interest of the child.³⁸

Birth Registration Certificates

Only 61 percent of Senegalese children are registered at birth.³⁹ In addition, birth registration rates in rural areas, where many trafficking victims come from, are more than 30 percent lower than they are in urban areas.⁴⁰ This makes it difficult to investigate TIP because the government cannot keep accurate records of missing persons. In addition, it is difficult to identify child trafficking without being able to determine which individuals are under age. For example, if a child prostitute with no identity papers claims to be older than 21, the legal age in Senegal for prostitution, there is no way for authorities to check whether she has lied.

2.2.3.3 Corruption

It is generally acknowledged that criminal groups involved in trafficking and smuggling often bribe officials.⁴¹ As discussed above, several interviewees pointed out that in Senegal, corruption facilitates the issuance of birth certificates, identity documents, and visas and is an obstacle to the dispensation of justice⁴² in cases where judges accept bribes.

³⁸ Interview with the NGO Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO) on July 30, 2004.

³⁹ UNICEF, Innocenti Digest No. 9, *Birth Registration Right from the Start*, March 2002, www.unicef-icdc.org.

⁴⁰ Ibid., citing MICS 2 data 2000, from UNICEF statistics on the UNICEF Web site, “Progress Since the World Summit for Children,” found at www.childreninfo.org/eddb/birthreg/index.htm.

⁴¹ North Atlantic Treaty Organization (NATO), Istanbul Summit, *NATO Policy Document on Combating Trafficking in Human Beings*, June 29, 2004.

⁴² Some interviewees also pointed out that police officers often harass prostitutes, who are forced to pay them daily sums (5,000 FCFA on weekdays and 10,000 FCFA during weekends) in order to avoid further abuse.

The GOS has taken the following measures to address the problem of corruption. In 2001, a decree envisaged the creation of a National Anti-Corruption Office (OFNAC) as an independent body to counter corruption and the illicit acquisition of wealth in Senegal. This office was to implement legal regulation of corruption, based on responsibilities given to the country's common law courts and reversal of the legal burden of proof.

In 2003, a bill was introduced replacing the OFNAC with a Good Governance Council and a national anti-corruption program composed of GOS, civil society, and private sector representatives. These national bodies were empowered to hear complaints regarding cases of alleged corruption and to provide relevant information for the purpose of deciding whether a case should be brought to court.⁴³ Despite the establishment of these national mechanisms addressing corruption, corruption remains a factor that needs to be addressed in the context of any national strategy to combat TIP.

2.2.3.4 Political and Institutional Factors

Governmental instability has likely impacted the lack of effective treatment of TIP in Senegal. Assessment interviews indicated an overall uncertainty among government actors as to which ministries and governmental bodies were responsible for addressing TIP. Some of this uncertainty may be due to the fact that the Senegalese government has withstood many recent changes. Since winning the presidential elections in 2000, Senegalese President Aboulaye Wade has changed his cabinet six times⁴⁴ and his prime minister four times.⁴⁵ Programs that had been established by appointed ministers have likely seen several changes of control. The various ministry agendas and mandates may have changed considerably in the recent past, creating uncertainty as to which ministries are responsible for which social issues. Moreover, regarding the creation of the TIP National Action Plan, there appears to be a possible conflict of authority that may have retarded the process of designing and implementing this plan

2.3 MEASURING THE PHENOMENON OF TRAFFICKING IN PERSONS

In Senegal, at present, no data collection or analysis mechanisms are in place to monitor the magnitude and nature of this problem. Providing accurate data measuring human trafficking is difficult because it is often a latent phenomenon. Because traffickers and their victims frequently appear to be legal migrants and travel on unofficial or hidden routes, collecting precise quantitative information regarding TIP is challenging. There is therefore no quantitative data regarding TIP in Senegal. Consequently, in this assessment, the consultants relied on available statistics regarding related phenomena, including data about prostitutes, domestic workers, and child beggars, including talibés. The available literature indicated that few quantitative studies had been done regarding these phenomena. Therefore, this assessment

⁴³ Transparency International, *Global Corruption Report 2004*, London, 2004.

⁴⁴ Associated Press, *Senegal's New Prime Minister Forms Country's Latest Cabinet*, April 23, 2004.

⁴⁵ Panafrikan News Agency (PANA) Daily Newswire, *Senegalese President Sacks Idrissa Seck as Premier*, April 21, 2004.

presents the few existing statistics with the caveat that such data reveal only a sketchy and very indirect portrait of TIP in Senegal. More qualitative research needs to be done on TIP in Senegal before anti-trafficking actors can begin to measure the dimensions of the problem.

With regard to measuring TIP for the purpose of prostitution, one 1997 study reported that there were 20,000 registered prostitutes in Senegal.⁴⁶ However, a 2002 report on child sexual abuse by the Comité de Lutte Contre les Violences Faites aux Femmes entitled *L'Exploitation Sexuelle et le Trafic des Femmes et des Enfants: Etat des Lieux* advises that “this number must be reviewed in light of the prevalence of illegal and child prostitution” in Senegal.⁴⁷ Moreover, one social worker in Senegal estimates that 29 percent of the registered prostitutes in Mbour are younger than 21 years old.⁴⁸ These available statistics are neither very current nor complete with regard to measuring how prevalent prostitution is in Senegal, and it is difficult to ascertain how many persons in Senegal are trafficked for sexual exploitation.

The information above as well as the assessment interviews reveal that significant numbers of children are prostituted in Senegal. This fact indicates that children are indeed being trafficked for prostitution, even if the precise number of trafficked children cannot be stated. According to the definition of trafficking, children who are being prostituted with the help or patronage of another person are victims of trafficking. With regard to measuring the number of adults trafficked for prostitution, interviewees reported that many prostitutes are being abused in Senegal. This information suggests that women may be forced or coerced into being prostitutes, which describes the conditions for trafficking of women for prostitution.

Regarding domestic workers, a 1993 Senegalese government study found the total number of domestic laborers in Senegal to be 88,000. Of these, 53,370 (33.73 percent) were between the ages of 6 and 18, and 12,000 were younger than 14 years old.⁴⁹ Again, these statistics are more than a decade old and therefore are unlikely to measure the current number of domestic workers in Senegal. This information, however, coupled with our assessment interviews and related documentation regarding the abusive and exploitative working conditions for Senegalese domestics, strongly suggests that domestic workers are being trafficked in Senegal. The above data reveal that a third of domestic workers in 1993 were children. Our interviews indicated that a large number of current domestic workers are children. As with prostitution, by definition, children who are subjected by adults to exploitative work conditions are being trafficked.

If adult domestics consent to work under abusive conditions, they are not technically trafficked. However, precise data do not exist in Senegal regarding whether adult domestics generally consent to such conditions. Nonetheless, the fieldwork reveals that most domestics work under exploitative conditions. Therefore, there is a possibility that women are being

⁴⁶ Comité de Lutte Contre les Violences Faites aux Femmes, *L'Exploitation Sexuelle et le Trafic des Femmes et des Enfants: Etat des Lieux*, January 2002, p. 4.

⁴⁷ Ibid.

⁴⁸ Ebin, V., *Au Sénégal, les Prostituées Sensibilisent la Population au SIDA*, December 2000, www.prb.org/French.

⁴⁹ Direction de l'Action Sociale, and see also UNICEF, *Problématique du Travail et du Trafic des Enfants Domestiques en Afrique de l'Ouest et du Centre*, July 1996, citing a study conducted in 1993 by the Senegalese Department of Statistics.

coerced or forced to work under abusive conditions, which would constitute trafficking. In addition, our interviews indicated that Senegalese domestic workers consent to be taken abroad by employers. Many, however, find when they arrive in the new country that they are subject to abuse from which they cannot escape because their travel documents have been taken away from them. While it is not possible at this stage to gauge how many women this has happened to, there is strong evidence that this phenomenon exists.

Regarding child beggars and talibés, there are few statistics that measure the phenomenon in Senegal. Direction de l'Action Sociale estimates that there are 100,000 talibés who beg in Senegal.⁵⁰ The number of children begging in Dakar alone is estimated to be at least 20,000.⁵¹ Even without statistics, however, we were able to determine through assessment interviews that many children in Senegal are being forced to beg by adults, including their impoverished parents, handicapped relatives, and marabouts. By definition, children who are subjected to abusive work conditions and extreme exploitation by adults are being trafficked.

There is a need in Senegal to develop strategies to collect and analyze qualitative data on TIP. With collaboration between government ministries, international organizations, and local NGOs, such strategies can be designed and implemented so that anti-trafficking actors can begin to understand the magnitude of TIP in Senegal.

2.4 TRAFFICKING TRENDS

The following section examines trends related to trafficking in persons in Senegal. The section is divided into two parts: trends regarding internal trafficking and trends regarding international trafficking. Internal trafficking trends mainly reveal patterns of trafficking for purposes of prostitution, domestic labor, and begging. The most prevalent forms of internal trafficking appear to be trafficking of children for prostitution, domestic labor, and begging. International trends reveal patterns related to prostitution, domestic labor, agricultural labor, and begging, but the most prevalent forms of international trafficking appear to be trafficking of adult females for domestic labor, and trafficking of children for begging and agricultural labor. Overall, the fieldwork reveals more detailed and specific information about internal trafficking in Senegal than about international trafficking affecting Senegal.

2.4.1 Internal Trafficking

The information provided in the following section, which is based on a selection of interviews, reports, press articles, and other relevant documentation, shows that internal trafficking and related exploitative practices occur in Senegal. The field research indicates that the most predominant forms of internal trafficking within Senegal are sex trafficking of children,

⁵⁰ DEI Senegal, *Situation des Enfants au Sénégal*, 1995, p. 4. Found in the NGO Group for the Convention on the Rights of the Child Database of NGO Reports presented to the UN Committee on the Rights of the Child. See http://www.crin.org/docs/resources/treaties/crc.10/Senegal_NGO_Report.

⁵¹ In 1990, ENDA estimated the number of street children in Dakar at 20,000. BIT/IPEC/CEGID, *Etude sur l'Exploitation des Enfants par la Mendicité au Sénégal*.

exploitation and trafficking of children for domestic labor, and trafficking of children for begging. However, the field research also indicates that there is substantial evidence of exploitation and abuse of adult female prostitutes and domestic workers that likely constitutes internal trafficking of adult Senegalese females for purposes of prostitution and domestic labor. Each of the following sections contains information about the source and destination regions for the phenomena and the conditions of victims.

2.4.1.1 Internal Sex Trafficking

Source and Destination Regions

Internal sex trafficking source and destination regions parallel, and are often indistinguishable from, source and destination regions for prostitution in Senegal. Particularly in the case of sex trafficking of children, source and destination regions of child prostitution constitute sex trafficking source and destination regions. Therefore, exploration of prostitution source and destination areas provides insight into sex trafficking source and destination areas.

Women and children migrate from rural areas all over Senegal to urban and tourist areas to be prostituted in brothels, private homes, weekly markets, and tourist establishments.⁵² The cities of Dakar, Thies, St. Louis, and Ziguinchor have high concentrations of adult and child prostitutes. Tourist zones, including Kaolack, Mbour, Mbour Sally, Cap Skirring, and Sine Saloune have active prostitution industries as well. Increasingly, weekly markets, in particular in the region surrounding Kaolack, transform at night into hubs of prostitution.⁵³ There are at least 10 weekly markets around Kaolack in which prostitution occurs.

High concentrations of children trafficked for prostitution most noticeably occur in Dakar, Goree Island, Mbour, St. Louis, Ziguinchor, Kaolack, and Thies.⁵⁴ Most victims of child trafficking in Senegal come from particularly impoverished regions of the country.⁵⁵ Interviewees reported that in Kaolack and Mbour, individuals operating private brothels or involved in sex tourism at hotels go searching for young girls to recruit from surrounding rural villages.⁵⁶

In addition, internally displaced persons (IDPs) in the southern Casamance region of Senegal, where there has been rebellion for the last 22 years, migrate regularly to Dakar or Ziguinchor to be prostituted. These adult and child prostitutes also provide sexual services to soldiers stationed in villages near the Senegal/Guinea Bissau and Senegal/Gambia borders.

⁵² Interviews with the Community Advisory Centre for Adolescents and Association AWA representatives, July 22, 2004, and interviews with representatives from Réseau des Jeunes Filles Leaders and Association pour la Promotion de la Femme Senegalaise, July 21, 2004.

⁵³ Interview with representative from Réseau des Jeunes Filles Leaders, July 21, 2004.

⁵⁴ Ministère de la Famille et de la Petite Enfance, *Projet de Lutte Contre les Pires Formes de Travail des Enfants, Plan National d'Action Contre les Abus et l'Exploitation Sexuels des Enfants*, March 2002, p. 16.

⁵⁵ *Ibid.*, p. 18, citing a study by GEGID.

⁵⁶ Interview with Association AWA in Kaolack, July 21, 2004, and Association AWA in Mbour, July 22, 2004.

Victims of Internal Sex Trafficking

Interviews with NGOs and news reports reveal that children are trafficked internally in Senegal. Children are usually trafficked for prostitution from rural areas to urban centers and tourist zones. In addition, urban street children are recruited to prostitute in brothels, private homes, and hotels in city centers. Their pimps may be any of a range of people, including former or older Senegalese prostitutes, tourists or other foreigners, or people working in tourist establishments. In the Casamance region, soldiers stationed in villages on the border of Guinea Bissau and The Gambia recruit and receive children for sex services as well. In some cases, parents prostitute their own children.⁵⁷

Former prostitutes or older prostitutes often work as pimps, recruiting young street children in Dakar to work as prostitutes.⁵⁸ One local NGO reported regularly seeing prostitutes as young as 10 years old in Dakar.⁵⁹ In 1999–2000, the local NGO ENDA initiated a project of rehabilitation and social reinsertion of child prostitutes between the ages of 7 and 15.⁶⁰

Interviewees reported an increasing number of minors exploited for prostitution, but have difficulty determining the magnitude of the problem because of the difficulty in determining which prostitutes are underage. Identifying child prostitutes in Senegal is difficult because only 61 percent of Senegalese children are registered at birth.⁶¹ In addition, the birth registration rate in rural areas, where many of these prostitutes come from, is more than 30 percent lower than in urban areas.⁶²

In addition, it is fairly simple for underage prostitutes in Senegal to obtain official identity documents stating that they are older than they really are. To obtain such documents, an individual can simply go to a local government office with picture identification and two witnesses. The witnesses only have to attest to the fact that the individual is the age and identity he or she claims to be.⁶³ This systems makes it difficult to substantiate the existence of a significant number of underage prostitutes or assess the full extent of trafficking of children for prostitution in Senegal, but one social worker in Senegal estimates that 29 percent of the registered prostitutes in Mbour are younger than 21 years old.⁶⁴

Regarding trafficking of adult females for prostitution, interviewees, such as health care providers in Kaolack, reported that a significant number of prostitutes from rural areas of

⁵⁷ Interview with Association Awa, August 2, 2004; interview with RADDHO, July 30, 2004.

⁵⁸ Interview with representative from Association AWA, August 2, 2004.

⁵⁹ Interview with representative from Association AWA, August 2, 2004.

⁶⁰ Ministère de la Famille et de la Petit Enfance, *Projet de Lutte Contre les Pires Formes de Travail des Enfants, Plan National d'Action Contre les Abus et l'Exploitation Sexuels des Enfants*, March 2002, p. 16.

⁶¹ UNICEF, *Innocenti Digest No. 9, Birth Registration Right from the Start*, March 2002, www.unicef-icdc.org.

⁶² *Ibid.*, citing MICS 2 data 2000, from UNICEF statistics on the UNICEF Web site, "Progress Since the World Summit for Children," found at www.childreninfo.org/eddb/birthreg/index.htm.

⁶³ Interview with staff attorney at RADI, July 30, 2004.

⁶⁴ Ebin, V., *Au Sénégal, les Prostituées Sensibilisent la Population au SIDA*, December 2000, www.prb.org/French.

Senegal are also abused,⁶⁵ suggesting that a number of adult prostitutes in Senegal are likely subjected to exploitative conditions constituting trafficking. Because of the lack of information about internal sex trafficking in Senegal and the fact that prostitutes tend to be invisible members of society, it is unclear to what extent adult women in Senegal are undocumented victims of internal trafficking. However, there is substantial evidence of organized prostitution that may constitute trafficking. Interviewees described how organized prostitution is conducted in weekly markets in the region around Kaolack,⁶⁶ where restaurant owners take prostitutes into their businesses and pimps bring customers into the restaurants. The restaurants involved in this prostitution are small, makeshift wood and tin stalls that serve cooked food to shoppers during the day. At night, the restaurant owner, usually a woman, will set up a bed in the back of the stall for a prostitute. In the evening, the prostitute arrives at the stall, is fed a meal, and goes to the back of the stall to wait for customers. The restaurant owner has a relationship with a pimp who brings clients to her restaurant for prostitution. In addition, according to our interviewees, there is also an organized prostitution network in Mbour,⁶⁷ where shop owners also operate brothels. They leave Mbour to travel to the surrounding villages searching for girls and young women to prostitute. It is unknown whether these prostitutes are deceived into following the brothel owners into Dakar, but such recruitment from villages suggests that trafficking of girls occurs and trafficking of adult females could be occurring as well.

2.4.1.2 Internal Trafficking of Domestic Workers

Source and Destination Regions

Although the extent to which exploitation of domestic laborers in Senegal rises to the level of domestic servitude and trafficking is unclear, the source and destination regions of persons trafficked for domestic labor likely resemble the source and destination regions of domestic workers in general in the country. Overall, domestic workers in Senegal come from impoverished rural areas of Senegal looking for work as maids in urban zones.⁶⁸ Some are from urban centers, such as Ziguinchor, but they travel to other urban areas where they may find higher salaries.⁶⁹ Others may originate from an urban center and work for households in their own city. Some live with their employers; others, especially young domestics who migrate from the rural areas to cities, live together in a group lodging setting.⁷⁰

One local NGO providing social services to domestics⁷¹ in five Dakar neighborhoods (Ouakam, Ashelem, Parcelles, Diamajuene, and Liberte V) reports that 95 percent of the domestic workers in its programs in the first four neighborhoods are of the Sérère ethnic group. In the fifth

⁶⁵ Interview with representative from Association AWA, July 21, 2004.

⁶⁶ Interview with representative from *Réseau des Jeunes Filles Leaders*, July 21, 2004.

⁶⁷ Interview with representative from Association AWA, July 22, 2004.

⁶⁸ Interview with UNICEF child protection officer, July 24, 2000; interview with a representative from Jeunesse Ouvrière Croyante Feminine, July 2004.

⁶⁹ Interview with representative from JOCF, July 2004.

⁷⁰ UNICEF, *Problématique du Travail et du Trafic des Enfants Domestiques en Afrique de l'Ouest et du Centre*, July 1996.

⁷¹ Interview with staff member at JOCF, July 2004.

neighborhood, Liberte V, many of the domestics in the NGO's programs are from the Djolla ethnicity. The Sérère in Senegal are concentrated mostly in Thies, Kaolack, and Fatik (though they live in all parts of Senegal). The Diolla live mostly in the Casamance region of Senegal, although they also live in all parts of the country. This NGO also reported working with domestics in Dakar who are members of the Toucouler ethnicity, many of whom come from the region surrounding the Saint Louis. These workers come to Dakar, this NGO said, because salaries for domestics tend to be higher than in other regions of Senegal. Outside of Dakar, adult domestics may be paid salaries as low as 10,000 FCFA per month (about \$20), whereas in some of the wealthy neighborhoods in Dakar, a domestic can earn as much as 50,000 FCFA per month (about \$100).

Another NGO providing social services to domestic workers⁷² said that most of the domestic workers in its programs come from rural areas surrounding Kaolack. These domestics come to Kaolack seasonally to look for work, usually arriving during the winter, which is the dry season (from October to June), to earn money to buy rice and cloth for their families in their rural villages.

A large number of child domestic workers in Senegal migrate from their rural villages of origin to cities to look for economic opportunities during the slow agricultural seasons.⁷³ Many have impoverished and illiterate parents who do not themselves have income-generating opportunities and who need their girls to leave school in order to work to support the family.⁷⁴

A UNICEF representative estimated that 80 percent of the domestics in Dakar come from rural areas outside the city, many from the Northern Fouta region of the country.⁷⁵ This area of Senegal frequently suffers from droughts, creating a strong economic incentive for children to seek sources of revenue elsewhere. These domestics also migrate to St Louis, Thies, and Kaolack, and many of them are of the Sérère, Pulaar, and Toucouler ethnic groups.

Child maids working in Dakar households often come from other neighborhoods in Dakar, as well as from other urban centers in Senegal, including Diourbel, Saint Louis, Tambacounda, Thies, Ziguinchor, and Kolda.⁷⁶

Victims of Internal Trafficking of Domestic Workers

Because of a lack of detailed case studies and rigorous examination of exploitative conditions of domestic workers in Senegal that rise to the level of human trafficking, it is often difficult to distinguish circumstances of exploitative domestic labor from trafficking for purposes of domestic labor, especially with regard to adults. Interviewees agree that more research needs to be conducted regarding the extent to which adult domestic workers traveling from one region to another within Senegal are being forced to work under exploitative work conditions, and the

⁷² Interview with representative from L'Association des Enfants et Jeunes Travailleurs (AEJT), July 21, 2004.

⁷³ UNICEF, *The Issue of Child Domestic Labour and Trafficking in West and Central Africa*, July 1996.

⁷⁴ Ibid.

⁷⁵ Interview with UNICEF representative, July 24, 2004.

⁷⁶ UNICEF Senegal, *Etude sur le Travail Domestique Non Salarie des Enfants*, February 1999, p. 5.

extent to which this group is trafficked. However, it is evident that many adult domestic workers work long hours for low pay. Although a national convention has been adopted to provide them with a minimum wage, our interviews indicated that the majority of these workers receive considerably less than the 43,000 FCFA (about \$85) they are entitled to receive under the convention.⁷⁷ In addition, there is no legal requirement that employers of domestics provide them with health care.⁷⁸ Adult domestic laborers may remain as employees working under exploitative conditions, often because they have few other income-generating alternatives.⁷⁹

The fieldwork reveals more information regarding the circumstances, condition, and nature of child domestic labor in Senegal that indicates that trafficking of children for purposes of domestic labor exploitation exists in several areas of the country. The assessment interviews indicated that child domestics frequently work under abusive and exploitative conditions. Often when child domestic laborers come to an urban center, they are subject to long hours of work with no or low pay. In addition, separated from their familiar home environments and eager to find alternative sources of income, they risk getting involved with urban prostitution networks.⁸⁰ Moreover, the pressures of the life of a young domestic worker take their toll, causing high rates of psychological stress and depression among these workers.⁸¹

In some households, girls in Senegal begin performing domestic work as early as six years old.⁸² A 1998 UNICEF report found that 34,000 girls between the ages of 7 and 18 in Senegal are working as domestics under particularly difficult, “even dangerous” conditions.⁸³ One study found that in Senegal, 80 percent of children working in a family setting received no salary.⁸⁴ A 1997 study found that child domestic workers in Senegal who do receive a salary get between 5,000 and 10,000 FCFA per month (about \$10–\$20).⁸⁵ Another statistic showed that girl domestic laborers in Senegal work an average of 15 hours per day.⁸⁶ In addition, one report revealed that in Dakar, only 3.6 percent of child domestic workers less than 15 years old, and 7.8 percent between the ages of 15 and 18, receive health care from their employers.

Parents in Senegal commonly entrust the care of their children to a relative or to a wealthier home nearby or in another region of the country in a cultural tradition called “confiage” or “entrustment.” Frequently in Senegal, family members facilitate the transport of children for the purpose of child labor. In fact, in West and Central Africa, training a girl to do domestic

⁷⁷ Interview with a representative from JOCF, July 2004.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid., p. 48, citing OMS, *Children at Work: Special Health Risks*, 1987.

⁸² UNICEF, *Etude sur le Travail Domestique Non-Salarie des Enfants*, February 1999, p. 6.

⁸³ Ministère de la Famille et de la Petit Enfance, *Projet de Lutte Contre les Pires Formes de Travail des Enfants, Plan National d'Action Contre les Abus et l'Exploitation Sexuels des Enfants*, March 2002, p. 11, citing a UNICEF report.

⁸⁴ UNICEF, Bureau Regional pour l'Afrique de l'Ouest et du Centre, *Problematique du Travail et du Trafic des Enfants Domestiques en Afrique de l'Ouest et du Centre*, 1998.

⁸⁵ Ibid., 42, citing Black, M., *Child Domestic Workers: A Handbook for Research and Action*. Anti-Slavery International, London, 1997.

⁸⁶ Ibid., citing as its source “government studies on child domestic labourers.”

duties from an early age is commonly viewed as part of the natural education of girls, giving them skills so that they can take care of their own families as adults.⁸⁷ This work is also seen as a way of preparing girls to earn an income as adults, especially in cases where parents cannot afford to send their daughter to school. One UNICEF study conducted in Dakar showed that children entrusted to other households were more likely to become domestic workers and less likely to attend school than the children in those households who were living with their own parents.⁸⁸

In the UNICEF study, 55 percent of the girls in these households who had been entrusted to someone's home attended school, while 95 percent of the girls who were living with their own parents in these homes attended school. This study reinforces the theory that Senegalese parents who send their children to live in other households may be engaging in trafficking of child domestic workers. In addition, the families who receive these children, subjecting them to domestic labor and not sending them to school, are also engaging in the trafficking of domestic workers.

Child domestic laborers also travel on their own from rural villages to urban centers to find work in the city. In these cases, where their parents have not facilitated their travel to find domestic work, it is only the employers who receive these workers who are possibly participating in the exploitation and trafficking of domestic workers. In both of these cases, however, it is likely that the parents or employers of these children are not aware that they are involved in committing a crime.

2.4.1.3 Internal Trafficking of Talibés

Source and Destination Regions

Marabouts who operate the kind of daara that exploits talibés by making them beg generally bring these children from rural villages in Senegal to Senegalese urban centers.⁸⁹ Many parents believe that the marabout will care for their child and give him religious instruction. However, one 1999 study done by UNICEF and the Senegalese Direction of Social Action found that the talibés in these ambulant daaras spend only 30 percent of their time memorizing the Koran.⁹⁰

A UNICEF representative estimated that 80 percent of the talibés who beg in Dakar are from rural villages. The majority of them come from the northern Foutah region of Senegal.⁹¹ This region suffers from regular droughts, creating an incentive for individuals to migrate elsewhere to look for economic opportunities. Other sources include neighboring countries such as Guinea Bissau. As well as taking these children to Dakar, these marabouts commonly transport

⁸⁷ Ibid., 20

⁸⁸ UNICEF, *Etude sur le Travail Domestique Non-Salarie des Enfants*, February 1999.

⁸⁹ Interview with UNICEF representative, July 24, 2004.

⁹⁰ Gagnon, Marie-Julie, *Les Talibés au Senegal*, Webzinemaker, May 24, 2004. See <http://www.webzinemaker.com>.

⁹¹ Interview with UNICEF child protection officer, July 24, 2004.

their talibés to St. Louis, Thies, and Kaolack. Zinguinchor also has a high concentration of begging talibés.⁹²

Representatives from local NGOs in Kaolack⁹³ reported that the marabouts in their region generally bring the talibés from the rural villages on a seasonal basis. They arrive during the dry winter season, which begins in October, and leave just before the rainy season begins in June.

Work and Living Conditions of Talibés

In many of Senegal's urban centers, talibés roam the streets from as early as six in the morning until after dark, begging. Frequently, when the talibés do not bring in the required amount of money (between 300 and 500 FCFA per day, or \$0.40–\$0.60), the marabout beats them. Often, they have no shoes, are visibly scabbed or diseased, and wear dirty clothes. Most of these talibés rarely bathe. One NGO in Kaolack reported that there are serious sanitation problems in daaras, in part because they do not have regular access to clean water.⁹⁴ A representative from Save the Children Sweden remarked that there are daaras “that resemble slave houses” in Senegal.⁹⁵

In addition, the assessment interviews indicated that talibés are subject to serious abuse. One local NGO that provides educational and health services to talibés reported seeing children beaten in daaras in the city of Thies. This NGO also recounted that in one of the daaras in which it provided aid, a marabout beat a child so hard that the child died.⁹⁶

A representative of an observatoire for abandoned and street children recounted finding talibés who had been abused by pedestrians while roaming unsafe areas of Mbour, especially near the train station.⁹⁷

2.4.2 International Trafficking

International trafficking affects practically every country in the world, and Senegal is not an exception. The information provided in the following section, which is based on a selection of interviews, press articles, and other relevant documentation, shows that trafficking and related exploitative practices occur in, from, and through Senegal.⁹⁸

⁹² Ibid.

⁹³ Interviews with representative from Réseau des Jeunes Filles Leaders and AEJT, July 21 2004.

⁹⁴ Interview with representative from AEJT, July 21, 2004.

⁹⁵ Interview with representative from Save the Children Sweden, July 20, 2004.

⁹⁶ Interview with representative from Tostan, July 2004.

⁹⁷ Interview with representative from L’Avenir de L’Enfant’s Observatoire for abused and abandoned children in Mbour, July 22, 2004.

⁹⁸ See also UNICEF, Innocenti Insight, *Trafficking in Human Beings, Especially Women and Children, in Africa*, Florence, 2003.

It is important to note that many of the Senegalese case studies involving human trafficking include the related and often overlapping phenomena of exploitative labor and smuggling. In many situations, a thin line separates these crimes; cases involving domestic labor in largely unregulated, private spheres can turn into coercive, abusive, and exploitative circumstances that rise to the level of human trafficking, and smuggling cases often evolve into coercive, abusive, and exploitative conditions akin to human trafficking. For example, when an irregular migrant cannot pay the total amount of money requested by a smuggling gang prior to departure, he or she is often induced into an exploitative situation of debt bondage, and therefore enters into a situation of human trafficking. Moreover, human trafficking and smuggling gangs often use the same routes and illegal and pseudo-legal means to transport irregular migrants.

Source, Transit, and Destination Routes to, through, and from Senegal

Because human trafficking and smuggling gangs often use the same routes and means of transporting persons, exploration of human trafficking routes to, through, and from Senegal necessitate examination of these parallel smuggling routes.

Western routes to Morocco run through and from Senegal via Mauritania (i.e., Zouirat, Bir Moghrein); to or via Mauritania, Mali, and Algeria, crossing the Algerian-Moroccan border (Tindouf, Bechar, Tlemcen); and through the Atlas Mountains. Morocco's southern coastal regions (Western Sahara) serve as a springboard (i.e.; Agadir, Laâyoune, Boujdour) for further travel by boat to the Canary Islands. From the north and northwest coast of Morocco (i.e., Tanger, Ashakar, Nador, Sidi Drissi), irregular migrants are transported by boat to Spain and Portugal or go through the Spanish enclaves of Ceuta and Melilla.

Eastern routes run from and through Senegal via Mauritania, Mali (Gao), and Niger to Algeria (Oran, Blida, Tamanrasset,⁹⁹ Adrar, Illizi), Tunisia and Libya, and onwards by boat to Spain, France, Italy, and Greece.

Trafficking and smuggling routes run over land to Morocco, Algeria, Tunisia, and Libya and onwards to Europe, thereby using major cities and border regions as transit points for crossing borders.

Illegal migration routes to North America cross the Atlantic Ocean to South America, using countries in Central America as a springboard to move onwards to the United States and Canada.

⁹⁹ Liberté, *Immigration Clandestine: Dans le Ghetto Africain de Tam*, July 23, 2004.

Senegal as a Source, Transit, and Destination Country for International Trafficking in Persons

Case studies demonstrate that human trafficking in Senegal is international in scope; trafficking in persons to, through, and from Senegal occurs for a variety of purposes, including domestic servitude of adults and minors, forced agricultural labor of children, prostitution of females, and forced begging of children. As indicated by the case studies below, the most predominant form of international trafficking affecting Senegal is the country's role as a source country of females trafficked for domestic labor. However, recent case studies and news reports also indicate that Senegal is a source country of children trafficked internationally for agricultural labor, a transit and destination country for prostitution of adult females and girls, and a destination country for trafficking of young boys for begging.

Senegal as a Source Country of Persons Trafficked for Domestic Labor

Case studies show that Senegalese females are trafficking for domestic labor primarily to the Middle East, but also to Europe and North America. This problem has been confirmed by the Ministère des Sénégalais de l'Extérieur, who stressed that most of the trafficking problems the Ministry encounters pertain to Senegalese girls and women employed as domestics abroad.¹⁰⁰

- In 2000, a Senegalese girl who had worked since 1999 for a Lebanese national followed her employer to Bamako to continue working as a domestic laborer. The employer promised to increase her monthly salary of 25,000 FCFA to 40,000 FCFA. The girl was never paid on a monthly basis; rather, her employer gave her a small amount of money whenever she visited her family in Dakar. In 2001, the Lebanese employer, his Congolese wife, and their 3 children moved to Ghana and promised the domestic a monthly salary of 100,000 FCFA if she would accompany them. When in Ghana, the girl, together with another 13-year-old Ghanaian girl, was repeatedly sexually abused and forced to watch pornographic materials. After several attempts to escape from her ordeal, she succeeded in returning to Senegal with the aid of the Malian embassy.¹⁰¹
- In 2002, during the IX Sommet de la Francophonie in Beirut, when the Senegalese President was in Lebanon, female domestic workers protested against exploitation by their employers. These Senegalese nationals were protesting the common practice of Lebanese employers making false promises to hire Senegalese domestics to work in Lebanon. Often these domestic workers arrive in Lebanon and are exploited. Following this protest, the Senegalese President declared that measures should be adopted to guarantee that the labor contracts offered to these workers are not a cover for the trafficking of Senegalese nationals to Lebanon.¹⁰²
- In January 1997, two companies were shut down and their Lebanese manager arrested and charged with trafficking in persons. On behalf of two Kuwait and Bahrain companies, the

¹⁰⁰ Interview with the Ministère des Sénégalais de l'Extérieur, July 29, 2004.

¹⁰¹ Interview with a victim of trafficking, July 29, 2004.

¹⁰² Walfadjri, *Trafic de Sénégalaises au Liban. Le Président Wade Ordonne une Enquête*, October 25, 2002.

manager recruited 80 Gambain female domestic workers, several of whom sought refuge in the United States and Senegalese embassies in Kuwait to escape exploitation by their employers. Senegalese authorities reportedly noted a significant increase in the number of Lebanese coming to Senegal to recruit female domestic workers.¹⁰³

- In 1997, a Senegalese girl filed a suit in federal court in New York against X, a Senegalese woman who headed the African section of the UN Population Office in the mid-1990s. The girl, who previously had been working for X in Geneva, claimed that when she was working as a live-in domestic in X's apartment in New York from 1994 through 1997, she did not receive a salary. Her labor contract obligated her to work a 40-hour week for \$200, with a deduction of \$40 for room and board. In reality she worked 7 days a week, 14 hours a day, and did not receive regular wages. Although the UN employment contract guaranteed the domestic worker medical insurance, X reneged on paying the medical insurance when the girl was hospitalized. The girl alleged that X never paid her any wages with the exception of \$200 in August 1995. When she protested her treatment and asked to be paid her wages, X threatened her with arrest and deportation. The girl asserted that her passport had been confiscated by X. This case is apparently one of many similar cases brought in recent years by domestics against officials from international agencies who obtain special visas to import servants from abroad. The United Nations, the World Bank, and the International Monetary Fund require personnel who bring in foreign employees to sign contracts that are sometimes not respected.^{104,105}
- The Comité Contre l'Esclavage Moderne, a Paris-based NGO that assists victims of trafficking who are exploited in domestic work, reported some cases of Senegalese girls who were trafficked to France for exploitation as domestic laborers.¹⁰⁶

Senegal as a Source Country for Child Trafficking for Agricultural Labor

Case studies demonstrate that Senegalese children have been trafficked to other countries in Africa for forced agricultural labor.

- In January 2002, the head of a triangular trafficking gang (Dakar, Bamako, Abidjan) was intercepted while transporting six Senegalese street children who were destined for slave labor on plantations in Ivory Coast. The children were intercepted in Kayes in the Western part of Mali.¹⁰⁷ The authorities of Mali and Ivory Coast signed a cooperation agreement to combat smuggling and trafficking and reinforced their border controls. Trafficking and smuggling between these countries has become a chronic problem in recent years.¹⁰⁸

¹⁰³ X, 1997.

¹⁰⁴ *The Village Voice*, "UN Slaves," March 10, 1998.

¹⁰⁵ Interview with NGO Raddho, July 30, 2004.

¹⁰⁶ In one of the cases, a former magistrate had been involved. All of the exploited workers were of Sérère ethnicity; and the exploiters were all French nationals. E-mail interview with the former director of the CCEM, July 20, 2004.

¹⁰⁷ Walfadjri FM, *Government Reacts to Discovery of Child Labor Victims in Mali*, January 23, 2002.

¹⁰⁸ Walfadjri FM, *Children Destined for Child Labor in Côte d'Ivoire Intercepted in Mali*, January 22, 2002.

Senegal as a Transit and Destination Country for Sex Trafficking

Senegal also serves as a transit and destination country for trafficking of females from other African countries for the purpose of sexual exploitation.

- In 2002, the Senegalese police responded to allegations made by a Nigerian trafficking victim and also broke up a Chinese brothel ring.¹⁰⁹ Nigerian-organized human trafficking networks increasingly operate in countries in their subregion such as Senegal, using them as springboards to travel to Europe.¹¹⁰

Senegal as a Destination Country for Child Begging

Case studies, research reports, and interviewees substantiate claims that Senegal and Guinea Bissau are destination countries for child begging. In particular, religious leaders from Mali and The Gambia misuse the traditional Koranic education system when they exploit children and transport them to countries like Senegal and Guinea Bissau for forced begging.

- In 2004, 14 Malian children were repatriated to Mali. Large numbers of children originating from Mali roam the streets of major cities in Senegal, where they beg for Malian religious leaders and disabled people. Also, Gambian religious leaders reportedly traffic children to Senegal to beg.^{111,112,113,114}

¹⁰⁹ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, Washington, 2003.

¹¹⁰ Pearson E. and Moens B., *Study Visit to Nigeria. Crown Witness in the Conakry Case*, 2002. Interview with NGO AWA, August 2, 2004.

¹¹¹ Interview with NGO Association Fraternité Action Malienne, July 26, 2004.

¹¹² Interview with AEJT, July 21, 2004.

¹¹³ Interview with NGO Empire des Enfants, July 17, 2004.

¹¹⁴ Interview with NGO Réseau des Jeunes Filles Leaders, July 21, 2004.

PART TWO

3. ANTI-TRAFFICKING RESPONSES IN SENEGAL

This section examines anti-trafficking responses in Senegal and is divided into three subsections: responses by the Government of Senegal, responses by international organizations, and responses by the NGO community. Each subsection describes the main initiatives undertaken by key actors and concludes with the strengths and weaknesses of current anti-trafficking responses.

3.1 GOVERNMENT OF SENEGAL ANTI-TRAFFICKING EFFORTS

Since 2002, the GOS has undertaken several initiatives to counter trafficking in persons. The most important of these were the establishment of a Comité National Technique d'Appui aux Programmes de Lutte contre la Traite des Personnes et les Pratiques Assimilées, which elaborated a national plan of action to counter trafficking, and the signing of a bilateral cooperation agreement with Mali on combating child trafficking. Though these initiatives indicate a certain commitment on the part of the GOS to deal with the issue, in reality—whether because of financial limitations, a lack of priority on the issue, or insufficient political backing—the GOS has so far failed to take meaningful and efficient actions to combat TIP.

3.1.1 National Legislation

3.1.1.1 Trafficking in Persons Legislation

There is no specific statute in Senegal's national legislation that criminalizes trafficking in persons. The absence of specific TIP legislation is an obstacle to effectively combating this problem because it contributes to a lack of awareness of TIP among law enforcement and judicial authorities.

In creating a statute regulating TIP in Senegal, however, it is important to be aware that prosecution would be an effective approach to combating organized international trafficking networks, but would likely be less effective in combating internal trafficking in Senegal. In the context of international trafficking, there exist organized, professional criminal networks committing the crime. On an internal level, however, often parents or family members will transport their children and place them in child labor conditions that may rise to the level of trafficking. Yet, these family members are frequently unaware that they are engaging in behavior that is harmful to their children. Therefore, rather than prosecuting these family members, providing them with awareness programs instead would more effectively decrease the likelihood that such parents would subject their children to exploitative labor. Moreover, establishing programs to remove children from such abusive environments and to provide them

with rehabilitation and social reintegration services would also be a more effective anti-internal trafficking measure than prosecution.

Similarly, prosecution of marabouts who traffic talibés in Senegal may be interpreted as state legal action against the religious establishment and would likely ferment discord and conflict. More effective approaches would be engaging the religious community in awareness programs on the dangers of forced begging, removing talibés from abusive conditions, and providing them with rehabilitation and social reintegration services.

3.1.1.2 Relevant Existing Legislation

Although Senegal lacks national TIP legislation, Senegal does have national laws that regulate a range of crimes closely related to human trafficking including child begging, child labor, child prostitution, and pedophilia. Though these laws assist in combating TIP, many are not as effective as they could be because they either contain exceptions that weaken their force or they are not well enforced.

3.1.1.3 Laws Related to Begging

Article 245 of the Penal Code asserts that begging is illegal. However, some exceptions are made to this rule. The first exception states that soliciting alms during the day, in places and conditions consecrated by religious tradition, does not constitute an act of begging. One should however note that currently the traditional practice of giving alms is being abused by corrupt marabouts who transport children from rural areas and abroad to the major cities and exploit them by forcing them to beg. This legislative exception, therefore, could be used to justify the exploitation of children. It is therefore necessary to take appropriate action against the current abuse and to restore religious teaching and the giving of alms to their original, legitimate nature.

Article 245 also states that it is illegal for anyone to allow persons less than 21 years of age to beg under their authority, unless this is done by a parent or by a blind person. Again, assessment interviews indicate that children are trafficked from neighboring countries and used as guides for blind people. Technically, this would constitute trafficking because these children are often exploited and subject to harsh work conditions. Therefore, this exception may also be justifying the exploitation of children.

3.1.1.4 Child Labor Laws

Article T145 of the Labor Code stipulates that children cannot be employed in any business, even as apprentices, before the age of 15, unless an exception is made by an arête issued from the Ministry of Labor, taking into account local circumstances and particular tasks that may be demanded of them.

However, the fieldwork demonstrates that a significant number of children are in prostitution and working as domestics and beggars under exploitative labor conditions, which indicates that this provision is not adequately enforced.

With regard to state action to protect victims of the worst forms of labor, Labor Code Article T146 asserts that a child cannot be kept in a job recognized as being above his capacity level and that such a child must be given a job appropriate to his capacity. The Senegalese Constitution also addresses the issue of child exploitation, stating in Article 20 that youth are protected by the state from exploitation.

Although these articles aim to protect children from exploitative labor, interviewees indicate that many children work under difficult and harsh circumstances, providing evidence that these provisions are not adequately applied in Senegal.

3.1.1.5 Prostitution Laws

Although adult prostitution is legal in Senegal, child prostitution is not. In addition, all activities facilitating or ancillary to prostitution are illegal. Article 323 of the Penal Code is an extensive provision that criminalizes several kinds of acts that are ancillary to, or that facilitate, prostitution.

Article 324 defines aggravating circumstances instances in which the crime involves a minor or the offense has been committed repeatedly or even occasionally upon a minor less than seven years old.

Moreover, Penal Code Article 325 imposes penalties on all persons implicated in the financing of or in contributing in whatever fashion to the facilitation of prostitution.

Further protecting children from prostitution, Penal Code Article 327 states that minors younger than 21 years old who participate, even occasionally, in prostitution are, at the request of their parents or a public ministry, called to appear before the children's court, which will provide the children with one of the protection services provided in Article 593 and following of the Code of Penal Procedure. The assessment interviews indicated, however, that child prostitution occurs in Senegal and is on the increase, suggesting that these laws are not well enforced.

To effectively regulate TIP in Senegal, a single statute regulating the many complex aspects of this crime needs to be passed, and a coherent criminal policy needs to be implemented to efficiently counter the problem.

A prosecutorial approach to combating TIP, however, should mostly be applied to international professional criminal networks, rather than to groups engaged in internal trafficking. For these groups, aggressive anti-trafficking awareness campaigns and rehabilitation and social reintegration programs for TIP victims should be pursued.

Moreover, to better assist in countering TIP, existing national legislation regulating TIP-related phenomena must be drafted to avoid exceptions weakening these statutes. In addition, such national legislation should be more effectively enforced.

3.1.2 Relevant International Conventions, Declarations and Protocols Signed and/or Ratified by the Government of Senegal

The GOS committed itself to counter trafficking by signing several international legal instruments dealing with the problem.^{115,116}

3.1.3 High Commissioner for Human Rights

Thus far, the most meaningful governmental initiative to deal with the problem of trafficking has been the assignment of a central role in countertrafficking to the High Commissioner of Human Rights/Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix.

The Haut Commissariat, which is an administrative body under the Presidency, consists of a secretariat, a Human Rights Division, and a Cellule de Suivi du Droit International Humanitaire, de Documentation, de Promotion des Droits de l'Homme et du Droit International Humanitaire.¹¹⁷

The Haut Commissariat is assisted by a Bureau d'Urgence Humanitaire et d'Ecoute Juridique and a Cellule de Coordination de la Lutte contre la Traite des Personnes et les Pratiques Assimilées. The latter is responsible for the development and coordination of anti-trafficking activities undertaken by the GOS and the elaboration of a judicial framework in order to implement those activities.

The Ministre-Commissaire aux Droits de l'Homme et à la Promotion de la Paix, as the central anti-trafficking focal point within the GOS, has since 2002 chaired the Comité National d'Appui aux Programmes de Lutte contre le Trafic des Personnes et les Pratiques Assimilées. The establishment of this committee was one of the recommendations of a seminar on TIP on September 24, 2002, organized by the U.S. Embassy.¹¹⁸

The Comité was composed of representatives of international agencies such as the International Organization for Migration (IOM), the UN Office on Drugs and Crime (UNODC), UNICEF, the UN Development Fund for Women (UNIFEM), and the International Labour Organization (ILO), civil society groups, and concerned governmental actors such as the Ministère des Affaires Etrangères, de l'Union Africaine et des Sénégalais de l'Extérieur,

¹¹⁵ See Annex 1.

¹¹⁶ Walfadjri, *Le Sénégal, Champion des Conventions Internationales*, November 24, 2002.

¹¹⁷ République du Sénégal, *Arrêté n°X Fixant les Règles d'Organisation et de Fonctionnement du Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix*, July 6, 2004.

¹¹⁸ Embassy of the United States of America, The American Center, *Lutte contre la Traite des Personnes: Les Etats-Unis Offrent 90 Millions au Sénégal*, June 6, 2003.

the Ministère de la Justice, the Ministère de l'Intérieur, the Ministère de la Famille et de la Solidarité Nationale, the Ministère de l'Economie et des Finances, the Ministère de la Santé, and the Ministère de la Fonction Publique et de l'Emploi.¹¹⁹

The Comité did not have a decision-making mandate. It served, instead, as a technical advisory group of national and international experts who support the GOS in the implementation of its anti-trafficking efforts. Within the Comité, three subcommissions were to be established:

- A subcommission in charge of research and collection of judicial, socioeconomic, cultural, and humanitarian information and the elaboration of strategies on fighting trafficking in persons as set forth in the ECOWAS Initial Plan of Action against Trafficking in Persons.
- A subcommission tasked with the collection of relevant international instruments and standards with a view of developing a policy framework to protect the rights of vulnerable groups.
- A subcommission charged with the interministerial coordination of specific projects to combat TIP and the eradication of root causes of trafficking in persons.

Apart from the three subcommissions, the Comité envisaged the establishment of a Conseil Consultatif Normatif sur les Droits Humains, composed of institutional actors as well as representatives of civil society groups, charged with

- The establishment of a Comité Scientifique d'Appui aux Politiques de Lutte contre le Trafic des Personnes et les Pratiques Assimilées, which is responsible for administrative tasks, such as maintaining a centralized collection of documents related to anti-trafficking efforts and the follow-up of anti-trafficking activities.
- The establishment, in close collaboration with OXFAM UK and USAID, of a rapid intervention mechanism able to intervene in crisis situations such as the internal displacement of persons, natural disasters and catastrophes, etc.
- The creation, in close partnership with the Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix, of a Centre de Documentation, d'Information et de Formation en Droits de l'Homme et à la Promotion de la Paix.

For unclear reasons, the Comité has not been convened in some time. However the Ministre-Commissaire aux Droits de l'Homme et à la Promotion de la Paix, who points out that the establishment of the Comité and its activities clearly reflects the will of the GOS to deal with the issue of trafficking, intends to revitalize the work of the subcommissions and create a multidisciplinary committee that will be composed of governmental representatives of, among

¹¹⁹ Le Quotidien de la République, Présidence/ Ministère, *Lutte contre le Trafic des Personnes*, June 25, 2003. République du Sénégal, Présidence de la République, Bureau du Ministre -Commissaire aux Droits de l'Homme et à la Promotion de la Paix, *Compte Rendu de l'Atelier du Jeudi 05 Juin 2003 sur la Lutte contre le Trafic des Personnes*, June 5, 2003.

others, the Ministère de la Justice, the Ministère de l'Intérieur, the Ministère de la Famille, du Développement Social et de la Solidarité Nationale, the Ministère des Forces Armées, the Ministère des Affaires Etrangères, the Ministère de l'Education, and the Primature, as well as civil society groups such as Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Organisation Nationale des Droits de l'Homme (ONDH), Centre Africain des Etudes des Droits de l'Homme (CAEDH), the Network of Women's Groups Siggil Jiggen, and l'Association Sénégalaise pour la Défense de L'Enfant.¹²⁰

3.1.4 National Plan of Action (PNALTPPA)

The Comité National d'Appui aux Programmes de Lutte contre le Trafic des Personnes et les Pratiques Assimilées elaborated the Plan National d'Action de Lutte contre la Traite des Personnes et les Pratiques Assimilées (PNALTPPA), which is in line with the ECOWAS Initial Plan of Action against Trafficking in Persons, adopted in Dakar in 2001.¹²¹

While the PNALTPPA targeted February 2004 as its anticipated approval date by the GOS, because of unclear reasons that are possibly related to a conflict of authority, the plan has not yet been adopted. Senegal is a state party to the ECOWAS Initial Plan of Action against Trafficking in Persons that reflects the commitments set forth in the ECOWAS Declaration on the Fight against Trafficking in Persons. In order to develop an effective anti-trafficking policy and fulfill these ECOWAS commitments, it is paramount that the GOS adopt its plan of action.

The PNALTPPA sets forth 13 strategic objectives, together with indicators, a budget, a timeline, and actors responsible for implementing the action plan. Financial support for the implementation of the activities is to be provided by the GOS, international organizations, and donors.

Regarding the monitoring and implementation of the PNALTPPA, the plan envisages the establishment of a Conseil National de Lutte contre la Traite des Personnes et les Pratiques Assimilées (CNLTPPA) that would replace the above-mentioned Comité and be entrusted to the Présidence de la République but would, in reality, be confined to the Haut Commissariat aux Droits de l'Homme et à la Promotion de la Paix.

The CNLTPPA is to be composed of representatives of concerned ministries, civil society groups, and the donor community. It will be responsible for defining the strategic orientation and monitoring of the activities, issuing the necessary guidelines in view of the implementation of the national policy, and controlling the implementation progress of the action plan and defining its reorientation when necessary. The CNLTPPA convenes two times a year under the presidency of the Ministre-Commissaire aux Droits de l'Homme.

¹²⁰ Interview with the Ministre-Commissaire aux Droits de l'Homme, July 22, 2004.

¹²¹ République du Sénégal, Présidence de la République, Commissariat Délégué aux Droits de l'Homme, *Projet de Plan d'Action de Lutte contre la Traite des Personnes et les Pratiques Assimilées*, Dakar, February 2003. ECOWAS, *Initial Plan of Action against Trafficking in Persons*, ECOWAS Executive Secretariat, Dakar, December 2001.

An Executive Secretariat is to be placed under the auspices of the Ministre-Commissaire aux Droits de l'Homme and will be responsible for the following activities: executing the orientations and recommendations of the CNLTPPA, presenting an activity report to the CNLTPPA as well as to the ECOWAS Executive Secretariat, coordinating at the national level activities related to combating TIP, ensuring the follow-up and evaluation of the action plan, initiating within the GOS the necessary legislative and administrative mechanisms for the implementation of the action plan, and contributing to the elaboration of the annual report of the Direction of National Planning and Coordination with Regional Planning on the African peer review mechanism established by the New Partnership for Africa's Development (NEPAD).¹²²

3.1.5 Bilateral Cooperation and Migration Agreements

In response to the increasing number of Malian children roaming the streets of the major Senegalese cities and who are exploited through forced begging, the GOS signed a cooperation agreement on July 22, 2004, with the Government of Mali on transnational trafficking and smuggling of children.¹²³ The agreement obliges the governments of both countries to implement a wide range of activities in the fields of prevention, protection, and prosecution of trafficking and smuggling of children and outlines the obligations of both governments as regards repatriation and reintegration of trafficked victims. The agreement also foresees a follow-up mechanism through the creation of a Commission Permanente de Suivi.

On January 8, 2003, the GOS signed a migration agreement with Switzerland. However, on March 3, 2003, the GOS informed the Swiss government that it abrogated the agreement, stating that internal political reasons and a negative public opinion caused it to do so.

Other European states had shown a keen interest in the agreement, which was the first of its kind to be signed with a European country. According to the Swiss government, the agreement presented an adequate instrument to fight trafficking in human beings and to safeguard the human rights of the victims of trafficking.¹²⁴

¹²² The NEPAD is a vision and strategic framework for the renewal of Africa that was adopted during the 37th Summit of the Organization of African Unity in July 2001 and that strives for the eradication of poverty and the acceleration of the empowerment of women. It further aims to place the African countries on a path of sustainable growth and development and to halt the marginalization of Africa in the globalization process and enhance Africa's integration in the global economy.

The Ministère du Plan, through its focal point, the Direction de la Planification Nationale et la Coordination avec la Planification Régionale, elaborated a report on the mechanisms put in place to ensure the protection of human rights. The protection of victims of trafficking and the fight against trafficking in persons are pursuant to one of the outcomes of the NEPAD, i.e., the adoption and implementation of principles of democracy and good political economic and corporate governance, and the protection of human rights to be further entrenched in every African country.

¹²³ Government of the Republic of Senegal and Government of the Republic of Mali, *Accord de Cooperation entre le Gouvernement de la République du Sénégal et le Gouvernement de la République du Mali en Matière de Lutte contre la Traite et le Traffic Transfrontaliers des Enfants*, Dakar, July 22, 2004.

¹²⁴ X, *Le Sénégal Renonce à Ratifier l'Accord Migratoire*, www.ejpd.admin.ch/doks/mm/content/mm_view-f.php?mmID=1634&mmTopic=Asy, 2003. Migration News, www.migration.ucdavis.edu/mn/more.php?id=56_0_4_0.

In 2003, following the expulsion from France of 26 Senegalese irregular migrants in April and 143 in December, the French Minister of the Interior discussed with the GOS the issue of irregular migration.^{125,126} Among the topics discussed were the facilitation of laissez-passers, a money transfer arrangement so that Senegalese nationals residing in France could wire their savings to Senegal without paying additional costs; a solidarity fund to finance the assistance of returned migrants; an increase in the issuance of tourist and student visas; and the financing of the Senegalese border police and a national security police unit.¹²⁷

As of May 2003, all Senegalese nationals transiting through the French national airports are required to have an airport tourist visa.¹²⁸

3.1.6 Efforts to Combat Child Labor and Related Phenomena

In 2002, the Ministère de la Famille, du Développement Social et de la Solidarité Nationale (MFDSSN) launched a *Projet de Lutte contre les Pires Formes de Travail des Enfants*.

The project anticipates running through 2005; it is administered by the MFDSSN and UNICEF and aims to combat the worst forms of child labor and related phenomena. Part of a national effort to conform to Senegal's obligations under ILO Convention no. 182 on the Worst Forms of Child Labor, this project is financed by the Italian government. It aims to better protect Senegalese children, including those involved in prostitution, exploitative domestic work, and begging.

One component of this project is a national program to combat the sexual abuse and exploitation of children. A *Plan d'Action National contre l'Abus Sexuelle et l'Exploitation des Enfants* was drafted in 2002 and has since been finalized. This program aims to combat the sexual exploitation of children.¹²⁹

¹²⁵ *Le Soleil*, "Immigration Clandestine en France: Le Gouvernement Organise le Rapatriement de 26 Sénégalais," April 24, 2003.

¹²⁶ The expulsion of the Senegalese nationals was badly perceived by Senegal, which responded with the expulsion of nondesired French nationals residing in Senegal. Moreover, sending countries are usually not keen to conclude bilateral readmission agreements because remittances from their nationals living abroad often constitute a significant part of their gross domestic product. On the other hand, the total dependency of regions on remittances does not always guarantee their sustainable economic growth. Irregular migrants often experience their forced repatriation as a disgraceful experience because they are often stigmatized as "those who didn't make it."

¹²⁷ *Le Figaro*, "Immigration Clandestine: Accord entre la France et le Sénégal," December 16, 2003.

¹²⁸ Trafficking and smuggling networks often make use of nondirect flights to smuggle transiting migrants into a country. In the case of irregular migration between France and Senegal, for example, flights are booked between Dakar and Tunis, making a stopover in Paris. Walfadjri, *Sénégalais Expulsés de France*, May 14, 2003.

¹²⁹ Ministère de la Famille et de la Petite Enfance, *Projet de Lutte Contre les Pires Formes de Travail des Enfants, Plan National d'Action contre les Abus et l'Exploitation Sexuels des Enfants*, March 2002, p. 8. Note that when this document was drafted in 2002, the Minister of the Family, Social Development and National Solidarity was called the Minister of the Family and Early Childhood.

Specific activities undertaken by the MFDSSN as part of this program to combat child sexual abuse and exploitation have included

- The identification of focus regions: nine high-risk areas of the country have been identified, and observatories have been established in Mbour, St. Louis, and Dakar.
- The development of a research-action study: in collaboration with the research institute CODESRIA, an exploratory and qualitative study has been done on child sexual exploitation in the Senegambian subregion, and two secondary studies have been conducted in Mbour and St. Louis.
- Capacity reinforcement of the Brigade des Mineurs in Dakar.
- Formulation of a consciousness-raising strategy.

In order to contribute to better protection of children, the MFDSSN is currently revising the child legal code to better reinforce the protection of children's rights.

3.1.7 Efforts to Combat Child Sex Tourism

Regarding the exploitation of children and in particular the sexual exploitation of children in tourism, the World Tourism Organization (WTO) held in 2003 in Dakar the Regional Consultation for Africa on the Protection of Children from Sexual Exploitation in Tourism, a regional event that was organized in cooperation with the GOS through the Ministry of Tourism. The principal objective of the meeting was to review and propose measures to tackle the sexual exploitation of children in tourism from a regional perspective and to facilitate the interaction between regional and national actors on government policies and strategies, legislation and law enforcement, and the training of tourism professionals. At the regional meeting, the Dakar Declaration on the Protection of Children against Sexual Exploitation in Tourism was drafted. This document aims to serve as a base for further discussions on the issue in view of eradicating the sexual exploitation of children in tourism and it sets forth recommendations for governments, the tourist industry and tourism-related business, nongovernmental organizations, and universities regarding combating the sexual exploitation of children in tourism.¹³⁰

The Declaration further invites Senegal to become the driving force on the African continent in the fight against this phenomenon. In this context, the Senegalese Ministère du Tourisme undertakes to coordinate the work in Africa and to designate a regional focal point as a spokesperson at the international level, to be called upon to report on developments at the meetings of the Executive Committee of the WTO/ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes) International Task Force for the Protection of Children from Sexual Exploitation in Tourism.¹³¹

Pursuant to the statement of the President of the Republic of Senegal calling for healthy tourism, respecting the morals and values of the Senegalese civilization, the GOS adopted in

¹³⁰ WTO, Consultation Régionale pour l'Afrique sur la Protection des Enfants contre l'Exploitation Sexuelle dans le Tourisme, *Dakar Declaration on the Protection of Children against Sexual Exploitation in Tourism.*, Dakar, September 30, and October 1, 2003.

¹³¹ Article 20 of the Dakar Declaration on the Protection of Children against Sexual Exploitation in Tourism.

2003 a Charte Sénégalaise du Tourisme (CST). The CST partly reflects the principles set forth in the WTO Global Code of Ethics for Tourism, spells out the engagements of the Ministère du Tourisme and the tourism industry, and envisages the creation of a Conseil Supérieur du Tourisme, a consultative body charged with filing recommendations on research programs and activities of the signatories of the CST and that would serve as a framework for reflection and information exchange among the partners.¹³²

Although the preamble of the CST underlines the necessity to combat the sex tourist sector, and several interviewees from field organizations have witnessed a significant increase in male and female sexual tourism in recent years, the CST unfortunately does not contain a single provision to eradicate the sexual exploitation of children in tourism or organized sex tourism as stipulated in the WTO Statement on the Prevention of Organized Sex Tourism,¹³³

3.1.8 Participation in Regional Anti-Trafficking Conferences and Meetings

The MFDSSN's Director of Child Rights presided over a West African regional meeting on trafficking in persons organized by ECOWAS and UNODC, December 2–3, 2003. The meeting focused on the implementation of a plan of action to combat the trafficking of persons in West Africa.

The GOS also attended a subregional meeting on the Development of Strategies against the Trafficking of Children Workers in Western and Central Africa organized jointly by UNICEF and ILO, in Libreville, Gabon, in March 2001.

3.2 STRENGTHS AND WEAKNESSES OF GOS RESPONSE

The primary strengths of the Senegalese government's response to TIP are that the GOS has started to build a comprehensive anti-trafficking framework, drafted a national plan of action, appointed an anti-trafficking focal point, and set up an interministerial group. The main weaknesses are a lack of formal and comprehensive recognition of the trafficking in persons issue, a lack of specific anti-trafficking legislation and enforcement mechanisms, insufficient institutional support from a variety of ministries, and a lack of sufficient anti-trafficking resources.

¹³² WTO, General Assembly, Thirteenth Session, *A/RES/406 (XIII) Global Code of Ethics for Tourism*, Santiago, 1999. République du Sénégal, Ministère du Tourisme, Associations Professionnelles et Syndicats du Secteur Touristique, *Charte Sénégalaise du Tourisme*, Dakar, April 30, 2003.

¹³³ WTO, General Assembly, Eleventh Session, *A/RES/338 (XI) Statement on the Prevention of Organized Sex Tourism*, Cairo, 1995. Senegal is a member state to the WTO.

4. INTERNATIONAL ORGANIZATION RESPONSE

The assessment finds that regional international actors, such as the West and Central African regional office of UNICEF, ILO, and IOM, have been addressing the problem of TIP in countries neighboring Senegal for some time; however, these organizations indicated in assessment interviews that Senegal has not been one of their priority countries, and that they are only recently beginning to focus on TIP in Senegal. Therefore, while there is significant potential and growing interest among international organizations in conducting anti-trafficking activities in Senegal, such programs are at a nascent stage at present.

4.1 INTERNATIONAL ORGANIZATION FOR MIGRATION

In collaboration with the Senegalese government and ECOWAS, IOM organized in Dakar in October 2000 a ministerial conference for governmental representatives on the Participation of Migrants in the Development of the Country of Origin from the West African States and Mauritania.

As a result of the conference, the “Dakar Declaration” was adopted, which envisaged the setting up of a regional West African consultative process focusing on four main axes: trafficking and smuggling of migrants, labor migration, data collection and exchange on migratory movements and the issue of migration and human security and regional stability.¹³⁴ This regional consultative process is also in line with the “Libreville Declaration” and aims to promote a migration dialogue among concerned actors in the region as well as to encourage governmental authorities of the subregion to exchange information, define uniform policies, and take common actions.

Following the recommendations and plan of action of the Dakar ministerial conference, IOM further developed and implemented several activities to counter trafficking in the region. These include, among others, awareness-raising campaigns through the media and at the community level on the dangers of trafficking in persons, voluntary assistance of victims to assist in their rehabilitation and reintegration, voluntary assistance to migrants in an irregular situation, capacity building for governmental and nongovernmental representatives, technical legal cooperation, and research and dissemination of information with regard to trafficking in persons.¹³⁵

It should be noted that the majority of the IOM activities and projects are being carried out in other countries in the subregion and that IOM activities in Senegal are limited.¹³⁶

¹³⁴ IOM, *La Traite et le Trafic des Etres Humains en Afrique de l'Ouest et du Centre. L'OIM au Coeur de la Riposte in Afrique Migrations (Afrique de l'Ouest et du Centre)*, IOM, Dakar, No. 05, April-May 2004, p. 1.

¹³⁵ IOM, *l'OIM et la Lutte contre le Trafic et la Traite des Enfants en Afrique de l'Ouest*, IOM, Dakar, p. 2.

¹³⁶ Interview with IOM focal point on trafficking in persons, July 20, 2004.

With relation to Senegal, IOM organizes the repatriation of 500 Malian children exploited in street begging. Though the activities of reintegration are similar to the Programme Conjoint pour la Réinsertion et la Réhabilitation des Enfants Victimes de Trafic (PCRET), information campaigns will focus in particular on the use of travel documents for children, birth registration, and the dangers related to street begging. The program is conducted in collaboration with the Ministère de la Famille, du Développement Social et de la Solidarité Nationale of Senegal, the Ministère de la Promotion de la Femme, de l'Enfant et du Mali, several UN agencies, and NGOs in both Senegal and Mali.

IOM also established, in collaboration with ECOWAS, the GOS, and the Institut de Recherche pour le Développement (IRD), a Migration Statistics Unit (MSU) that was in line with the recommendations of the Dakar ministerial conference of 2000 and a follow-up seminar, the International Migration Policy Seminar, held in Dakar in 2001. The MSU consists of three data collection components: emigration, immigration, and labor trafficking. The three components are instituted within national partner institutions—the Ministère des Affaires Etrangères, the Ministère de l'Intérieur, and the Ministère de la Justice—linking their regional offices and diplomatic missions in order to develop an information system.^{137,138,139}

IOM further envisaged the extension of this MSU in other ECOWAS states through the establishment of a West Africa Migration Statistics Unit (WAMSU). The WAMSU is intended to provide necessary data to increase the understanding of migration issues and improve coordination in migration policy through harmonizing the migration terminology used by ministries across the region for interstate comparison purposes, developing a uniform data collection process adopted by all member countries, formulating a migration legislation framework, and elaborating conceptual and statistical tools for improving international migration management.¹⁴⁰

In order to enhance collaboration and streamline activities in the field of combating trafficking in persons, IOM signed memoranda of understanding (MOUs) and partnership agreements with several international agencies:

- The MOU with UNICEF sets forth the following fields of cooperation: prevention through awareness-raising campaigns, the establishment of an information and data collection system, and assistance to returning victims and their reintegration and reinsertion.
- Under the framework of a MOU with the UNIFEM Regional Office for West Africa, IOM and UNIFEM cooperate in the implementation of the Programme of Combating Trafficking in Women and Children and the Reduction of HIV/AIDS and STDs.

¹³⁷ IOM, *International Workshop on Migration in West Africa: Concepts, Data and Legislation*, IOM, Dakar, p. 2.

¹³⁸ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, Washington, 2003.

¹³⁹ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, Washington, 2004.

¹⁴⁰ IOM, *International Workshop on Migration in West Africa: Concepts, Data and Legislation*, IOM, Dakar, p. 4.

- Under the MOU between IOM and the United Nations Population Fund (UNFPA) National Office in Lagos, the organizations work together on the implementation of the Program of Combating Trafficking in Women and Children and the Reduction of HIV/AIDS and STDs.
- IOM signed an MOU with the ECOWAS Executive Secretariat on the implementation of cooperation programs at the regional level.
- With the Institut de Recherche pour le Développement, IOM carries out specific research on migration patterns and labor migration in West Africa.

4.2 UNITED NATION'S CHILDREN'S FUND

4.2.1 UNICEF West and Central Regional Office (UNICEF WCRO)

Although UNICEF WCRO has addressed the problem of TIP in West and Central Africa generally, it has not implemented many programs in Senegal.¹⁴¹

With regard to regional anti-trafficking efforts that included Senegal, however, UNICEF WCRO co-hosted the Libreville subregional meeting on the Development of Strategies against the Trafficking of Children Workers in Western and Central Africa, organized jointly by UNICEF and ILO, in Libreville, Gabon, in March 2001. Senegal participated in this meeting. UNICEF WCRO also published a study in 1998 on the trafficking of child domestic workers in West and Central Africa, which includes statistics and qualitative information regarding domestic workers in Senegal.

Moreover, in January 2004, UNICEF WCRO completed a first draft of a Model Bilateral Agreement on Cooperation and Mutual Assistance in Protecting Children from Transborder Trafficking. This document is intended to assist West and Central African governments in entering into such anti-trafficking agreements. UNICEF WCRO has distributed this document to a range of partner organizations and is awaiting feedback. When these comments have been incorporated into the document, UNICEF WCRO intends to use the document in seminars instructing West and Central African leaders on best practices for entering into such agreements. Senegal will be included among the countries in which such seminars will be held.

4.2.2 UNICEF Senegal

The UNICEF Senegal country office, located in Dakar, has addressed issues related to the trafficking of children through its Project against the Worst Forms of Child Labor and this project's subprogram combating the sexual abuse and exploitation of children.¹⁴²

¹⁴¹ Interview with UNICEF WCRO representative, July 14, 2004.

¹⁴² For details, see Section 3. 1.6.

UNICEF Senegal provides funding to a wide range of local NGOs that provide services to victims of child sexual abuse, child labor, and forced child begging, including talibés. These NGOs include, among others, L’Avenir de l’Enfant, Tostan, and Association AWA.

In addition, UNICEF Senegal supports Koranic schools, or daaras, throughout Senegal, in an effort to combat the exploitation of talibés by marabouts. The daara of Malika is one such school. Established by UNICEF in 1980, this Koranic school has taken in impoverished boys and girls from various regions of Senegal and provided them with both Koranic and French education. The children live at the school as well, receiving food, shelter, and regular adult supervision. This daara offers students vocational workshops and provides them with a library of donated books.¹⁴³ A representative of UNICEF Senegal indicated that this school offered valuable opportunities to impoverished talibés and street children, but it is a difficult model to sustain as it maintained by a substantial amount of continued funding.¹⁴⁴

Senegal’s National Action Plan also designates an implementing role to UNICEF.

4.3 International Labour Organization/International Programme on the Elimination of Child Labour (IPEC)/LUTRENA (National Coordination against Child Trafficking in West and Central Africa)

ILO-LUTRENA is a subregional project to combat child trafficking for the purposes of forced labor and exploitation in West and Central Africa. In 2001, when this program was launched, it included nine African countries and anticipated extending into three additional countries, including Senegal.¹⁴⁵ The program, which will be administered through 2008,¹⁴⁶ has not yet been implemented in Senegal.¹⁴⁷

By signing a MOU in 1997, Senegal became an IPEC member country.¹⁴⁸ In the year following this MOU, the Senegalese government established an action plan to eradicate child labor with ILO-IPEC support.¹⁴⁹ The objectives of this program include strengthening national capacity,

¹⁴³ Interview with UNICEF Senegal child protection officer, July 24, 2004. This information is also based on observations made by one of the consultants during a visit to the Daara of Malika in March 2004.

¹⁴⁴ Interview with UNICEF Senegal child protection officer, July 24, 2004.

¹⁴⁵ ILO, *Projet Sous-régional LUTRENA: Combattre la Traite des Enfants à des Fins d’Exploitation de Leur Travail en Afrique de l’Ouest et du Centre*, www.ilo.org/public/french/region/afpro/yaounde/mdtyaounde/tc/lutrena.htm

¹⁴⁶ BIT, IPEC, LUTRENA, *Projet Sous-regional de Lutte contre la Traite des Enfants a des Fins d’Exploitation de Leur Travail en Afrique de l’Ouest et du Centre*, 2004.

¹⁴⁷ Interview with ILO representative, July 16, 2004.

¹⁴⁸ ILO-IPEC, *All About IPEC: Programme Countries*, August 12, 2001, www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁴⁹ U.S. Department of Labor, Bureau of International Labor Affairs, www.dol.gov/ilab/media/reports/iclp/tda2003/senegal.htm, citing the following: U.S. Department of State, *Country Reports on Human Rights Practices-2002: Senegal*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18223.htm>. See also U.S. Embassy-Dakar, unclassified telegram no. 3552, August 2000. In 1994, the government adopted a National Plan of Action to Improve the Conditions of Child Workers. See ECPAT International, *Mission Report on West Africa*, Bangkok, August-October 2000, p. 5. The National Plan of Action targets four groups of children: young

raising awareness, and improving formal and nonformal education opportunities, social and legal protection for children, and working and living conditions.¹⁵⁰

Currently, ILO-IPEC is assisting the Senegalese government in implementing a Time Bound Program for the Eradication of the Worst Forms of Child Labor (TBP).¹⁵¹ The TBP in Senegal aims to be a means to help the government realize its obligations under ILO Convention 182 against the Worst Forms of Child Labour.¹⁵²

4.4 UNITED NATIONS OFFICE ON DRUGS AND CRIME

In collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI), the UNODC designed and launched the Global Programme against Trafficking in Human Beings (GPAT) in 1999. The main objective of the program is to highlight the involvement of organized crime in human trafficking and to promote the development of an effective criminal justice response.

The GPAT is based on a three axes: data collection, assessment, and technical cooperation.¹⁵³ On the basis of assessments, the GPAT has involved several countries in technical cooperation projects; in Africa, those countries are Benin, Nigeria, and Togo. Currently, an assessment is being carried out on trafficking trends and trainings have been organized for criminal justice practitioners on the investigation and prosecution of trafficking. Trainings are also foreseen on international law enforcement cooperation.

These activities are in line with the ECOWAS Initial Plan of Action against Trafficking in Persons and the ECOWAS Declaration on the Fight against Trafficking in Persons, both prepared by an ECOWAS-UNODC expert group in 2001 in Ghana.¹⁵⁴

The UNODC Project of Initial Assistance in support of the implementation of the ECOWAS Plan of Action against Trafficking in Persons will highlight the major findings of the assessment of the implementation of the aforementioned action plan and will assist ECOWAS

female domestic workers, apprentices, independent workers, and rural working children. See U.S. Embassy-Dakar, unclassified telegram no. 3552.

¹⁵⁰ U.S. Department of Labor, Bureau of International Labor Affairs, found at <http://www.dol.gov/ilab/media/reports/iclp/tda2003/senegal.htm>, citing ILO-IPEC, Francophone Africa: New IPEC Initiatives Make Significant Inroads, available at <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts14.htm>.

¹⁵¹ Programme IPEC, Dakar, *Appui à la Mise en Oeuvre du Programme Assorti de Delais pour L'Abolition des Pires Formes de Travail des Enfants au Senegal*, 2004.

¹⁵² ILO-OPEC, *Time-Bound Programmes for the Eradication of the Worst forms of Child Labour*, www.ilo.org/public/english/standards/ipecc/themes/timebound/tbp.htm.

¹⁵³ UNODC, *Trafficking in Human Beings. UN Global Programme against Trafficking in Human Beings*, www.unodc.org/unodc/en/trafficking_human_beings.html.

¹⁵⁴ ECOWAS, *Initial Plan of Action against Trafficking in Persons*, ECOWAS Executive Secretariat, Dakar, December 2001. ECOWAS, Twenty-Fifth Ordinary Session of Authority of Heads of State and Government, *Declaration on the Fight against Trafficking in Persons*, Dakar, December 2001.

in the establishment of a Trafficking in Persons Coordination Unit within the ECOWAS Legal Office.

The unit will provide an institutional and operational framework for the implementation of the ECOWAS Plan of Action and elaborate a coherent regional policy on the issue of trafficking.¹⁵⁵ In order to support the national authorities in the implementation of the ECOWAS Plan of Action, an information-sharing network on trafficking is being established and an assessment of national legislation and policy development frameworks on trafficking has been carried out.¹⁵⁶

The assessment, which was conducted in The Gambia, Nigeria, Benin, Senegal, Togo, Burkina Faso, Mali, Sierra Leone, Ghana, Niger, Cape Verde, and Guinea, showed that¹⁵⁷

- Only four ECOWAS member states (Senegal, Nigeria, Burkina Faso, and Mali) signed and ratified the four conventions recommended in the ECOWAS Plan of Action.¹⁵⁸
- Only Nigeria has adopted anti-trafficking provisions in its national legislation that are in line with international standards. Benin, Burkina Faso, The Gambia, and Mali have partially adopted laws criminalizing trafficking in persons.
- Only Nigeria has established a functional National Task Force on Trafficking in Persons as recommended by the ECOWAS Initial Plan of Action against Trafficking in Persons and that focuses on prevention, protection, and prosecution.

4.5 UNITED NATIONS DEVELOPMENT PROGRAM

At present, the United Nations Development Programme (UNDP) in Senegal does not implement projects specifically targeting trafficking in persons, but it does conduct three programs on the alleviation of poverty that contribute to the Millennium Development Goals and indirectly to the eradication of one of the root causes of trafficking in persons.¹⁵⁹

¹⁵⁵ UNODC, *Briefing Note: USAID/U.S. Embassy*, Dakar, 2004.

¹⁵⁶ UNODC, *Trafficking in Human Beings. Technical Cooperation by Geographical Region*, www.unodc.org/unodc/en/trafficking_projects.html.

¹⁵⁷ UNODC, *Briefing Note: USAID/U.S. Embassy*, Dakar, 2004. Interview with UNODC representative, July 27, 2004.

¹⁵⁸ These conventions include the ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters, the ECOWAS Convention A/P/8/94 on Extradition, the African Charter on the Rights and Welfare of the Child and the United Nations Convention against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

¹⁵⁹ Interview with UNDP Representative for Senegal, July 19, 2004.

4.6 SAVE THE CHILDREN SWEDEN

Save the Children is planning a series of participatory research-action workshops on the trafficking of street children, including talibés, in Senegal, which will begin in September 2004. Invited to these workshops will be a range of local actors and leaders, including university professors, marabouts, talibés themselves, NGO and international organization personnel, and local government officials, among others. The goal of these workshops will be to discuss the problem of the beggars and talibés and for the participants to design a plan of action as a group. Within the plan of action, one objective will be to designate implementing responsibilities to various workshop attendees.¹⁶⁰

Save the Children Sweden provides a range of social services to street children and talibés in Senegal, working primarily in the city of St. Louis.¹⁶¹

4.7 Strengths and Weaknesses of IO Response

Overall, international organizations' main strengths in anti-trafficking are that the organizations have considerable anti-trafficking experience, possess anti-trafficking frameworks in the region and can mobilize funding for anti-trafficking programs, and have well-established child labor programs in Senegal. IOs' weaknesses are that they have not implemented anti-trafficking programs on the ground in Senegal, they have not sufficiently transferred institutional and anti-trafficking knowledge to local government and NGO actors in Senegal, and there is no anti-trafficking coordination mechanism for Senegal.

¹⁶⁰ Interview with Save the Children Sweden representative, July 20, 2004.

¹⁶¹ Ibid.

5. NONGOVERNMENTAL ORGANIZATION RESPONSE

Because the assessment team was unable to locate any Senegalese NGOs specifically combating trafficking in persons, this analysis is based on interviews with local NGOs addressing TIP- related phenomena. During the course of our assessment, the team interviewed approximately 24 local NGOs that focused primarily on providing social services to prostitutes, domestic workers, child beggars, and talibés. The majority of these organizations administered consciousness-raising programs and provided victims of abuse with rehabilitation and social reinsertion services as well as daily humanitarian aid, such as clean water and temporary shelter. A small amount of NGO activity focused on assisting victims in filing legal claims against abusers.

Many NGO representatives had heard of the concept of human trafficking, but they have not yet included the eradication of TIP in their programs. Although the local NGO community is providing aid to victims of trafficking in persons, they are not specifically discussing or addressing trafficking itself. Trafficking in persons is, therefore, not being effectively addressed through the NGO community because it is not a part of the conceptual framework within which NGOs are working.

5.1 DATA COLLECTION

The fieldwork reveals that NGOs are not analyzing potentially valuable data that they are collecting. For example, an observatory for abandoned and abused children has been established in Mbour by the NGO L’Avenir de L’Enfant, in collaboration with the Ministry of the Family with support from UNICEF. The observatory staff create a file folder for each abused child who seeks their services. They take notes detailing the case and store the folder in a cabinet. However, when asked how many of their cases represented abused talibés and how many represented abused domestic workers, the staff could not provide this information. This indicates that the observatory is collecting but not effectively analyzing relevant data. NGOs could play a vital role in providing data on TIP victims if provided with the tools and training to analyze the information they record.

5.2 COLLABORATION WITH OTHER ACTORS

Although some NGOs collaborate with government ministries to provide services for victims, there do not appear to be close ties between NGOs and government actors. Some NGOs do have strong relationships with local police, however, indicating the potential for law enforcement/NGO collaboration in combating trafficking in the future. For example, the NGO SOS Village, which places abused and abandoned children in foster villages, often receives these child victims from police who have been educated about SOS Village’s services.

In addition, most NGOs address the needs of people in their immediate geographic region. However, NGOs do not appear to have strong ties with organizations in other regions of

Senegal or with NGOs or actors transnationally. For example, we found only one Senegalese NGO providing repatriation services for children who had been brought from other countries to Senegal. Moreover, in one case study, an adult Senegalese domestic worker was taken by her employer to Ghana and sexually abused. Although she managed to escape with the help of the Ivorian embassy in Ghana, when she arrived at the airport in Dakar no NGO knew of her arrival. She was not met at the airport and has not received rehabilitation or social reintegration assistance since her return to Dakar two years ago.

5.3 NGO SERVICES FOR PROSTITUTES

Most NGOs administering services to prostitutes focus on health services, such as providing HIV/AIDS tests and treatment. However, there appears to be a dearth of funds for programs that provide prostitutes with reeducation programs so that they can find alternative income sources. Association AWA, an organization with branches in Dakar, Kaolack, and Mbour, primarily provides health programs but has tried to mobilize further funding for programs that transition persons out of prostitution. This NGO has tried to administer prevention and reeducation services that could assist persons to move out of prostitution, but has run into funding obstacles. In 1998, AWA's Kaolack office established a program to help prostitutes identify alternate vocations and to assist them in transitioning out of prostitution. Phase I of this project received funding from the Ford Foundation but the project was terminated due to lack of continued funding.

The consultants observed that although many NGO staff working with prostitutes expressed concern about the prevalence of underage prostitutes, many also reported that they had no way to determine the real ages of prostitutes. This indicated a desire within this sector for training in mechanisms, even by means of interview questions, to gauge the approximate ages of prostitutes. Such information would serve as an important indicator of the prevalence of trafficking for the purpose of prostitution in Senegal and would identify youth in need of social rehabilitation, reeducation, and reinsertion programs.

5.4 NGO SERVICES FOR DOMESTIC WORKERS

NGO services for domestic workers in urban areas focus on literacy and vocational skills classes, with an emphasis on providing workers with alternate income sources and improving their quality of life. Some NGOs have also collaborated to advocate for the legal rights of domestic workers, and several provide temporary shelter and care for abused domestics. At the village level, NGOs administer consciousness-raising programs to alert domestics about the hazards of urban migration.

An example of an urban program for domestics is the one administered by JOCF in Dakar and funded by a French Catholic church. JOCF has established 5 training centers that train domestic workers who are 17 years of age and older to cook, do housework, and sew. JOCF provides literacy courses as well as instruction on how to negotiate a fair contract and handle

sexual abuse by employers. JOCF maintains a network of potential employers in Dakar with whom it places graduates of its programs.

Two organizations in Kaolack, Réseau des Jeunes Filles Leaders and l'Association des Enfants et Jeunes Travailleurs, operate similar, though less extensive, training programs for child and young domestics. These programs place less of an emphasis on improving the domestic skills of these workers and a greater emphasis on providing them with alternate forms of income. A representative from Réseau des Jeunes Filles Leaders indicated that the organization aims to provide alternate skills to young domestics to discourage them from supplementing their incomes with prostitution. These organizations train domestics in sewing, crochet, and tea selling, among other skills. They also provide health education.

At the village level, a local Kaolack NGO, APROFES, administers consciousness-raising programs in 100 villages around Kaolack. These programs generally target women and girls and, therefore, include rural domestic workers. APROFES offers rural programs focusing on women's rights, literacy, health and sex education, and microenterprise.

APROFES also takes in abused domestic workers. This organization has a network of partner NGOs around Kaolack that provide rehabilitation services for women and children and to which they refer abused domestic workers. In fact, Réseau des Jeunes Filles Leaders reported that when abused domestics come to its training centers, they are sent to APROFES, which then takes them to an NGO that can provide them with specific rehabilitation services. The NGO L'Avenir de l'Enfant also operates rehabilitation centers for abused child domestics in Mbour and other cities.

5.5 NGO SERVICES FOR STREET CHILDREN AND TALIBÉS

NGOs' activities to aid street children and talibés are similar to programs for domestic workers in the sense that many provide skills workshop and literacy programs to these children to give them alternate means of income to replace begging. ENDA Ecopole, for example, provides these services in Dakar and Réseau des Jeunes Filles Leaders administers them in Kaolack.

Moreover, in Kaolack APROFES administered an artisan workshop for talibés and developed a program to provide them with baths. These programs were discontinued, however, due to lack of continued funding. The Dakar-based NGO L'Avenir de L'Enfant provides rehabilitation centers for abused street children and talibés. This organization places abandoned street children in foster homes and operates a rehabilitation center. In addition, the organization has established an observatory in Mbour that provides temporary shelter for abandoned children until they have more permanent placements.

Few NGOs aiding street children and talibés have approached the problem through consciousness-raising programs at either the urban or the village level. With regard to the talibés, our interviews indicated that this is an extremely difficult issue to discuss publicly because it is so culturally and religiously sensitive. Interviews indicated that consciousness-raising about this issue may be interpreted by some community members as criticism of

religious traditions. One NGO, Tostan, has administered some human rights education projects in village communities focusing on combating the abuse of talibés by marabouts. This organization reported that a major challenge to administering these awareness-raising programs has been learning how to handle resistance from the religious community. Collaboration between NGOs and religious officials in designing an appropriate culturally and religiously sensitive awareness-raising approach to address the problem of exploited talibés would assist in combating this problem.

5.6 STRENGTHS AND WEAKNESSES OF NGO RESPONSE

Overall, the main strengths of NGOs' anti-trafficking activities in Senegal are that the NGOs comprise an active and vibrant grassroots community; many NGOs work well with government officials and police, and NGOs possess direct and ongoing access to the groups most vulnerable to trafficking. At present, the most significant weaknesses of the NGO community are a lack of understanding of trafficking phenomena, a lack of basis to analyze data regarding vulnerable groups, a dearth of direct ties to regional and NGO anti-trafficking and related networks, and a lack of resources to support anti-trafficking activities.

6. U.S. GOVERNMENT RESPONSE

Since 2002, the U.S. Government has undertaken a series of initiatives to support the GOS in addressing trafficking in persons, including the following:

- 2002: The U.S. Embassy sponsored a workshop on human trafficking with GOS officials and local NGOs.
- 2003: The U.S. Department of State funded anti-trafficking training for the police and gendarmerie.
- 2003: The Democracy and Human Rights Fund program supported a conference on children's and women's rights
- 2003: Senegalese representatives visited the United States for anti-trafficking training and discussions.
- 2004: The U.S. Department of State funded equipment and training to establish an anti-trafficking network and information center.
- 2003-2004: U.S. Embassy staff met with GOS representatives on countering trafficking in human beings.
- 2003-2006: The U.S. Department of Labor funds of the ILO Time Bound Program to eradicate the worst forms of child labor.

The USAID Program in Senegal has five objectives for 2004–2005 that tackle the key constraints to Senegal's development. Each of these objectives has potential linkages to anti-trafficking programming, especially with regard to reducing vulnerability to trafficking. The objectives are as follows:

1. To encourage economic growth, the private enterprise program will make it easier to start and operate a business and build trade capacity, particularly for nontraditional agricultural and natural products. Economic growth and agricultural programs that increase economic security and sustainable livelihood options for high-risk populations—especially rural populations—reduce vulnerabilities to trafficking and other forms of exploitative labor.
2. To strengthen democracy at the grassroots, FY 2004 and FY 2005 funds will be used to improve the effectiveness, transparency, and accountability of local governments and broaden political participation. By increasing social and legal services for underrepresented and vulnerable groups—especially women and children—and improving communication and cooperation among civil society actors dealing with trafficking issues, such programs can lead to more sustainable prevention and protection programs for at-risk and trafficked persons.

3. The health program targets HIV/AIDS prevention and treatment and improving the health of women and children, particularly through reduction in malaria and other infectious diseases. These successful strategies and programs targeting high-risk and vulnerable population groups can be built upon to access and incorporate trafficking prevention and awareness programs. Furthermore, by reducing the prevalence of HIV/AIDS and other infectious diseases, fewer children will be orphaned and forced to work at an early age, thereby reducing their vulnerability to trafficking and exploitative labor.
4. The basic education program, in collaboration with the Africa Education Initiative, will increase the number of children, especially girls, who complete middle school. This program can thus reduce the likelihood that these children will enter the workforce and be subjected to exploitative labor and situations that could lead to trafficking.
5. Finally, USAID will provide FY 2004 funds for community-led peace initiatives in the Casamance to reinforce resolution of a long-running conflict. By supporting peace initiatives in Casamance, these programs can reduce the number of IDPs from this region, who are particularly vulnerable to exploitation. Furthermore, an end to the conflict can lead to the withdrawal of troops stationed in villages on the border of Guinea Bissau and The Gambia, which have served as a destination site for victims of trafficking for sexual exploitation.

PART THREE

7. CRITICAL GAPS, NEEDS, AND RECOMMENDATIONS

This part of the assessment addresses critical gaps, needs, and recommendations regarding anti-trafficking initiatives and strategies for Senegal. This part is divided into seven sections: public awareness and incorporating trafficking in persons in development agenda; data collection; legal reform and law enforcement; l'Etat Civil; the role of civil society; international cooperation; and international organizations and donors. Each of these sections highlights the main gaps and needs and then lists suggested recommendations for designing and implementing more effective anti-trafficking activities.

The only anti-trafficking policies that have any prospect of success over the long term should be

- Multidimensional (i.e., they must strike a balance between a law enforcement and a human rights approach and must involve all concerned actors—governmental as well as nongovernmental and the international community),
- Integral (i.e., address prevention, detection of the crime, prosecution, and protection and reintegration of the victims),
- Integrated (i.e., anti-trafficking policies need to be embedded in the responsibilities, duties, and activities of the concerned actors), and
- Based upon constructive dialogue (i.e., collaboration with the GOS needs to avoid confrontation and stigmatization and should rather strive for a constructive, supportive, and encouraging approach that matches the interests of both parties.

Furthermore, an anti-trafficking framework needs to be grounded in a coherent national plan of action that outlines the principal objectives as well as specific activities and responsibilities for each of the concerned actors. In this respect it is important that the national action plan that has been elaborated in collaboration with involved actors under the auspices of the Haut-Commissariat aux Droits de l'Homme et à la Promotion de la Paix gets approved by the GOS and implemented. Although it resides directly under the Presidency, the Haut Commissariat seems to lack sufficient institutional backing and the appropriate resources to implement the national action plan. Funds mobilized by the GOS as well as by the donor community in connection with anti-trafficking strategies need to be integrated into the budgeting of the plan of action to avoid duplication, strengthen complementarity, and further consolidate the key role of the Haut Commissariat. Complementarity should also be sought with ongoing sectoral programs such as the Plan d'Action Nationale de la Femme and the national poverty reduction strategy. Furthermore, activities undertaken under the plan of action need to be result-oriented and a system of monitoring and evaluation needs to be developed to gauge progress made towards desired goals and results.

With respect to the following seven sections, it is also important to keep in mind short-, medium-, and long-term priorities for action. Regarding immediate and short-term actions,

priority should be given to the adoption of the national action plan, awareness raising, the elaboration and adoption of an anti-trafficking law, capacity building for the law enforcement and non-governmental organizations dealing with trafficking as well as for the personnel of diplomatic posts, research on the *modus operandi* of trafficking gangs and on the vulnerability of specific groups, and the establishment of coordination mechanisms among the donors and among international community, nongovernmental, and governmental actors.

Over the medium term, special anti-trafficking units within law enforcement should be created and decentralized; judiciary evidentiary rules of procedure to protect victims need to be elaborated; training on trafficking in persons, victim protection, and human rights issues needs to be included in the law enforcement curricula; an emergency fund for victim assistance should be established; special measures need to be taken to protect prostitutes from abuses and to reintegrate them into society; legal provisions concerning domestic work should be revised and improved; and a legal framework needs to be elaborated to improve the living conditions of the talibés, protect them from abuses by some marabouts, and bring Koran teaching back to its essence. In addition, birth registration procedures should be improved, as should procedures for the issuance of travel documents for children, and data collection mechanisms should be established.

Over the long term, activities should focus on the alleviation of root causes for trafficking, such as poverty reduction, gender mainstreaming, improved access to social services, education and employment for vulnerable groups, the eradication of the worst forms of child labor, the creation of a network among civil society actors dealing with trafficking persons at the national and international levels, and the elaboration of bilateral agreements regarding trafficking in persons.

7.1 PUBLIC AWARENESS OF TRAFFICKING IN PERSONS AND INCORPORATING ANTI-TRAFFICKING IN PERSONS STRATEGIES INTO DEVELOPMENT AGENDAS

This study has revealed that while trafficking in persons in Senegal occurs on an internal and on international basis, the level of awareness of the issue is quite low in practically all spheres. Field interviews with government and civil society actors demonstrate that there is significant dissonance between the existence of trafficking and related phenomena in Senegal and knowledge of trafficking and related phenomena in the country.

Furthermore, as discussed in Part One of this report, the cyclical and perpetuated nature of poverty, gender inequality and the low status of Senegalese women, society's dependence on and acceptance of child labor, migration patterns influenced by drought and conflicts, the problem of abuses of religious traditions, fluctuating legal, political, and institutional frameworks, and the presence of corruption all come together to form conditions that can facilitate exploitation and trafficking of human beings. Government, local NGO, and international organization activities addressing these conditions through poverty reduction and development programs in Senegal need to increase awareness of human trafficking and incorporate the elimination of trafficking into their development agendas to better combat the problem.

Recommendations:

- Ensure that the GOS, IOs, and NGOs collaborate in the formulation and ongoing implementation and evaluation of human trafficking prevention and awareness campaigns.
- Prior to the organization of any information campaign, conduct research on which channel to use. Appropriate media (brochures, leaflets, stickers, public service announcements on television or radio, radio and television documentaries, focus discussion groups, public declarations, theater groups, and so on) need to be used when targeting specific areas (vulnerable regions, border points, transit places on trafficking routes, etc.), vulnerable groups, civil society groups, or governmental actors at the national and local levels.
- Evaluate information campaigns through public opinion polls and focus discussion groups, organized before and after the campaign, and revise as necessary.
- In information campaigns, avoid using degrading pictures that portray victims as helpless or powerless or that depict them as shameful or despicable persons.
- Use information campaigns to create awareness of the realities of migration, including the possible dangers that migration entails, and mobilize public opinion on specific vulnerable groups such as domestics and prostitutes. Focus special attention on the living conditions of the talibés in order to make the case to political and religious traditional authorities and civil society for better living conditions and the protection of the talibés against exploitation by some marabouts.
- Include messages of self-confidence in information campaigns along with referral tools for assistance or information.
- Train journalists on appropriate reporting on trafficking.
- Conduct research on the *modus operandi* of criminal gangs and map the vulnerability of at-risk groups.

7.2 DATA COLLECTION

There is a need in Senegal to develop strategies to collect and analyze qualitative data on trafficking in persons. At present there are no comprehensive and agreed-upon data collection mechanisms regarding magnitude of the phenomenon, profile of victims, profile of traffickers, organizations involved in combating the phenomenon, and related phenomena in neighboring, sending, transit, and destination countries. The fieldwork reveals that the GOS is not collecting comprehensive data, and the NGOs are not analyzing potentially valuable data that they collect in the process of providing services to victims and working with vulnerable populations.

Recommendations:

- Support collaboration among government ministries, international organizations, and local NGOs in designing and implementing trafficking data collection mechanisms, analysis, and information-sharing.
- Design specific data collection mechanisms for topics such as profiles of criminals and criminal groups and *modus operandi* of trafficking networks (including the recruitment and transportation of victims, trafficking routes, etc.).

- Provide NGOs with specific tools and training to collect, analyze, and share the information they receive.
- Promote collaboration on information-sharing among the GOS and sending, transit, and destination countries, as well as among NGOs and their counterparts in sending, transit, and destination countries.

7.3 LEGAL REFORM AND LAW ENFORCEMENT

The fact that Senegal has not incorporated a statute regulating trafficking in persons into its national legislation is an obstacle to effectively combating TIP. Although Senegal has statutes criminalizing related phenomena, the absence of specific trafficking legislation contributes to a lack of awareness of this phenomenon among law enforcement and judicial authorities. Passing a statute criminalizing human trafficking would empower police to investigate this crime and prosecutors to bring traffickers in front of judges. This prosecutorial approach, however, should be applied primarily to international trafficking networks, rather than to individuals involved in internal trafficking.

Because human trafficking has not been recognized as a particular crime in Senegal, there is also not a specific law enforcement unit within the structure of the Ministry of the Interior or the Ministère des Forces Armées that deals with trafficking on an operational level.

Several provisions in the penal code criminalize the different aspects of internal trafficking, but interviewees from field organizations and human rights groups point out that those provisions are insufficiently enforced and that perpetrators are basically immune from prosecution.

Although Senegal is a state party to several international conventions dealing with TIP, such as the UN Protocol, representatives the Ministries of Interior and Justice assert that there is an urgent need to harmonize and implement the provisions set forth by the UN Protocol.

In general, officials in the Ministry of Justice, Ministry of the Interior, and Ministry of the Armed Forces have heard about human trafficking but lack a profound understanding of the issue. Law enforcement knowledge of TIP is especially lacking regarding possible measures to combat trafficking and protect victims in the field.

Interviewees point out that although some training has been provided to police officers on trafficking and the establishment of data collection mechanisms, there is an urgent need to further train police officers, judges, and prosecutors. Furthermore, there is no penal policy in place that deals with the issue from an integral point of view, from detection through prosecution and victim assistance. Similarly, there is a need for better collaboration between law enforcement and NGOs.

Recommendations:

- Adopt specific anti-trafficking legislation and provisions as well as gender and human rights provisions in conformity with international standards.
- Introduce new domestic legislation through the Presidency, thereby attaching priority, commitment, and political will to the issue.¹⁶²
- Create a Brigade Spéciale de Lutte contre la Traite des Personnes within the Division des Investigations Criminelles and other specialized anti-trafficking units.
- Provide new and existing structures with adequate professional skills as well as capacity building to combat trafficking, such as development of multidisciplinary strategies, utilization of special investigation techniques, special interview techniques and sensitization policies for working with victims, detection measures for forged and fake documents, procedures for identification of trafficked victims, identification and investigation of elements related to organized crime, crime proofing, etc.
- Decentralize the training of law enforcement authorities and designate focal points at the local level.
- Provide additional training to police officers, judges, and prosecutors in areas such as distinguishing between trafficking and smuggling, protection and assistance possibilities for victims, awareness and implementation of gender and human rights issues, and interorganization collaboration regarding data collection mechanisms on these phenomena.
- Provide the judiciary with evidentiary rules of procedure to protect victims.
- Include trafficking in persons in law enforcement curricula.
- Discuss creating an interministerial group on trafficking in persons (including guidelines for structure, authority, duty, and responsibility).
- Establish a mechanism for confiscating proceeds from traffickers and using the proceeds to create a fund for victim assistance, protection, and restitution.
- Institute personnel rotation mechanisms among police officers that lessen the possibility of extortion of vulnerable groups by police officers.
- Develop a coherent penal policy dealing with trafficking, smuggling, and irregular migration.
- Organize community policing programs to improve the degree of trust between the police services and the public at large to increase the willingness of victims to report offenses.

¹⁶² Interview with the Division des Investigations Criminelles, July 14, 2004. Interview with the Brigade des Mineurs of Dakar, July 13, 2004. Interview with a conseiller technique of the Ministère de la Justice, July 19, 2004.

7.4 L'ETAT CIVIL

The ease of obtaining certain official documents, such as identity documents, marriage certificates, and parental consent forms, facilitates TIP in Senegal. The fact that many parents do not obtain official birth registrations for their children also contributes to the problem. Only 61 percent of Senegalese children are registered at birth.

The ease of obtaining marriage certificates allows Senegalese nationals to enter into false marriages with foreigners, which then enable the Senegalese citizens to obtain documents allowing them to travel abroad. In addition, foreigners wishing to take a child out of Senegal can easily bribe Senegalese parents to obtain documents consenting to the arrangement. Finally, the ease of obtaining identify documents in Senegal has become an incentive for migrants from other countries to claim other nationalities as well.

Recommendations:

- Develop measures to encourage and assist birth registration, especially in rural areas where many vulnerable children originate.
- Put in place more secure measures to confirm identity of individuals before issuing identify documents.
- Institute more reliable and verifiable measures for issuing travel documents for children and procedures for taking children abroad.

7.5 ROLE OF CIVIL SOCIETY

There is an overall need for an increased role in and a specific focus on combating trafficking in persons by civil society actors in Senegal. As mentioned in Section 5 of this report, the assessment team was unable to locate any Senegalese NGOs that specifically combat trafficking. Many NGO representatives had heard of the concept of trafficking, but their organizations have not yet included the eradication of this problem in their programs. Although the local NGO community is providing aid to victims and persons at risk of trafficking, they are not specifically discussing or addressing trafficking itself. Therefore, human trafficking is not being effectively addressed through the NGO community because it is not a part of the conceptual framework within which NGOs are working. NGOs also do not appear to have strong ties with organizations in other regions of Senegal or with NGOs or anti-trafficking actors transnationally.

Unless Senegalese NGOs incorporate specific anti-trafficking objectives into their missions and programs, TIP cannot be effectively combated through the NGO sector. NGOs require training in the definition of this crime and assistance in incorporating it into their programs to address the problem, especially with respect to prostitutes, domestic workers, child beggars, and talibés. Moreover, to better address TIP, NGOs need to play a significant role in data collection and analysis, collaborate with the government and law enforcement authorities, and increase their ties to other Senegalese and foreign NGOs.

Recommendations:

- Encourage NGOs to play a major role in consciousness-raising programs about trafficking in persons in both rural and village communities. In the village context, using an approach similar to the one that the NGO Tostan has used with regard to awareness-raising about female genital cutting, (FGC) would be an effective strategy. Tostan sends representatives to local villages to speak to village leaders and residents about FGC in the local language. Tostan representatives conduct small meetings with village members to discuss the issue in an intimate and casual setting. A recent Population Council evaluation of Tostan's activities showed that 80 percent of the families in villages where the organization had worked to eradicate FGC has abandoned the practice. The same intimate local-level strategy for TIP sensitization would serve as an effective anti-trafficking approach.
- Establish a free trafficking in persons hotline. This strategy could be implemented through one or several local NGOs. Though the observatory for abused and abandoned children operating in Mbour has a paid hotline, making a toll-free number available could greatly increase the incidence of reporting of abuses. UNICEF has established a free TIP hotline in Gabon, which has been an effective anti-trafficking tool. According to a UNICEF representative, 45 percent of the calls on this free hotline are from child TIP victims.¹⁶³
- Provide NGOs with training in the definition of this crime and assistance in incorporating it into their programs to address the problems of prostitutes, domestic workers, child beggars, and talibés.
- Provide funding for NGOs that assist prostitutes to move out of prostitution and provide them with assistance and training to pursue alternative and sustainable income sources.
- Provide NGOs with training and links to civil registration offices so that the NGOs can better determine the ages of victims and distinguish children from adults.
- Develop legal procedures enabling recognized civil society organizations to file claims and advocate on behalf of trafficking victims.
- Work with religious leaders to commence a national dialogue on the rights of children, the practice of religious begging, and efforts to prevent abuses of religious practices that lead to exploitation and trafficking. NGOs should work on a collaborative basis to identify and mobilize Muslim scholars to articulate religious arguments against the exploitation of children through begging
- Conduct more outreach services for street families, street children, and begging children; this group primarily includes boys, but also some young girls, who run away from their families and live in the street. Their life conditions are extremely precarious and NGOs should develop more programs to reduce vulnerability to health problems and sexual abuse.
- In collaboration with the GOS, strengthen formal and informal social safety nets through improving access to service providers for at-risk groups.
- Support organizations that safeguard the rights of domestics and sensitize the trade unions, advocate for the legal rights of domestic workers, and provide temporary shelter and care for abused domestics.
- Provide more support for organizations that support women's rights and strengthen the capacities of women and reduce their vulnerability through measures contained in sectoral

¹⁶³ Interview with UNICEF representative, July 14, 2004.

programs in education, health, access to productive resources, educational and economic opportunities, and participation of women in economic and political decision making.

- Build capacity of NGOs in the assistance of victims of trafficking such as judicial assistance, mental and physical health care, shelter, vocational training, etc.
- Set up a network of NGOs that provide services to victims of trafficking.

7.6 INTERNATIONAL COOPERATION

The need for better collaboration with destination countries was emphasized by representatives of the Ministère des Sénégalais de l'Extérieur. According to the Ministère, which regularly deals with problems related to trafficking of domestics abroad, there is a need for better international collaboration and the development of an institutional framework for the assistance of Senegalese nationals abroad. Furthermore, there is a need to train and inform the officers of Senegal's diplomatic posts abroad on the issue of trafficking as well as on the rights of trafficked victims in destination countries and ways to assist them.

Recommendations:

- With respect to law enforcement bodies, conduct exchange visits and intensive training abroad with specialized units and host programs of international experts to enhance skills, exchange information, and transfer expertise. Exchanges should involve both high-ranked officials and practitioners.
- Enhance collaboration among countries of destination and origin on issues such as border control, joint law enforcement operations, organized crime, irregular migration, etc.
- Encourage the GOS to elaborate bilateral agreements on trafficking in persons with countries of origin and destination, including provisions for law enforcement cooperation and victim assistance such as repatriation and reintegration assistance.
- Provide assistance to and facilitate the plans for the ministerial database of Senegalese organizations abroad in order to increase cooperation and to better inform and assist nationals abroad on their rights in the foreign country.
- Provide training for the officers of the diplomatic posts abroad on the issues of trafficking and human rights and on the possibilities of and referrals for assistance in destination countries.

7.7 ROLE OF INTERNATIONAL ORGANIZATIONS AND DONORS

International organizations that address trafficking in persons in other West African countries must include Senegal as a priority country for similar anti-trafficking programs. As indicated in Part Two of this report, regional international actors, such as the West and Central African regional office of UNICEF, ILO, and IOM, have been addressing the problem of TIP in countries neighboring Senegal for some time. However, these organizations indicated in assessment interviews that Senegal has not been one of their priority countries and that they are only recently beginning to focus on TIP in Senegal. In part, the IOs have not focused significant attention on human in trafficking in Senegal because the GOS' level of recognition

of the problem and willingness to implement anti-trafficking activities has been lower than neighboring countries'. Furthermore, IOs expressed the need for better coordination among donors in Senegal.

Recommendations:

- Establish relevant programs, such as the ILO-LUTRENA program to combat human trafficking that was launched in 2001 in West and Central Africa, in Senegal.
- Conduct regular donor coordination meetings and implement coordination mechanisms between donors to avoid duplication and competition and encourage complementary action.
- Use donor coordination meetings as an initial platform for encouraging and strengthening overall coordination mechanisms among donors, civil society, and the Government of Senegal.
- Link the funds mobilized by the international community to the GOS national plan of action to combat trafficking in persons.

