

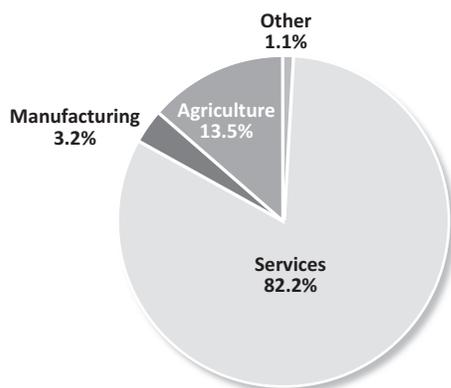
In 2012, Niger made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government secured a number of child trafficking convictions, passed a new Labor Code that criminalizes the exploitation of children in prostitution, incorporated child labor concerns into its new Social and Economic Development Plan, and continued to participate in programs to combat the worst forms of child labor. However, gaps remain in the country's legal framework and implementation of policies. Enforcement efforts and programs are still insufficient. Children in Niger continue to be engaged in the worst forms of child labor, particularly in dangerous activities in the agriculture and mining sectors.



### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	47.8 (1,561,570)
Attending School	5-14 yrs.	51.7
Combining Work and School	7-14 yrs.	26.3
Primary Completion Rate		46.2

### Working Children by Sector, Ages 5-14



#### Sources:

**Primary completion rate:** Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from ENTE Survey, 2009.(6)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Niger are engaged in the worst forms of child labor, including in dangerous activities in the agriculture and mining sectors.(3-7) Children engaged in agriculture are commonly involved in dangerous activities, such as using

sharp tools, carrying heavy loads, and applying harmful pesticides.(8, 9) Limited evidence suggests that the worst forms of child labor are used in the production of peppers and rice. Children in rural areas also herd cattle and, although evidence is limited, also, goats; they are exposed to long working hours and severe weather conditions.(5, 10) Limited evidence also suggests that children are engaged in fishing, and in this sector, they may work long hours, perform physically demanding tasks, and face dangers such as drowning.(7, 11, 12)

Children work in dangerous conditions in mines and quarries, including in the production of trona, salt, gypsum, and gold. They break rocks, transport heavy loads, and extract, process, and hoist ore.(7, 13-22) Limited reports suggest that children also work in natron mining.(23) Risks in the mining sector include exposure to mercury, suffocation, and death from cave-ins.(13, 19) Girls working near the mines commonly deliver food and water to workers and risk harassment and sexual exploitation.(10, 24, 25) While evidence is limited, research indicates that children also work in stone quarries, crushing rocks and carrying heavy loads.(17)

There are reports of children working on the streets in urban areas, but specific information on hazards is unknown.(22, 26-28) Some children work in tanneries.(4) Children, especially girls working in domestic service, are vulnerable to working long hours, as well as physical and sexual harassment.(3, 6, 27)

A 2011 results report on the 2009 National Child Labor Survey implemented by the Government's National Institute of Statistics estimates that 55,000 children (or 3 percent of children) are engaged in forced labor.(29, 30) For example, among nomadic populations, traditional forms of caste-based servitude still exist in parts of Niger, especially among the

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Tuareg, Djerma, and Arab ethnic minorities, and particularly in remote northern and western regions, and along the border with Nigeria.(10, 31, 32) Traditional forms of caste-based servitude commonly involve children of slaves who in turn become slaves, and are passed from one owner to another as gifts or as part of dowries.(10) Slaves, including children, are typically forced to work long hours as shepherds, cattle herders, agricultural workers, or domestic servants, and are often sexually exploited.(32, 33)

In Niger, children are engaged in forced labor under the traditional practice of *wahaya*. Under *wahaya*, a man may take a girl as a “fifth wife,” meaning as a slave (according to Islamic practices, men are allowed to have only four wives).(17, 34-36) Children of *wahaya* wives are considered slaves as well. Both are often forced to perform domestic labor in their master’s household. *Wahaya* wives are commonly sexually exploited by their masters, while their children reportedly are sexually exploited by others.(17, 34, 35, 37) The practice of *wahaya* is common among Tuareg and Hausa communities in the Tahoua region.(17, 34, 35) Reports suggest that this practice may be increasing as a result of poverty due to droughts, while the practice represents a source of income for some families.(38)

Reports note the ongoing traditional practice of sending boys (called *talibés*) to Koranic teachers to receive education, which sometimes includes provision of vocational training or apprenticeship.(39, 40) However, some of these boys are forced by their teachers to beg on the streets and surrender the money they have earned, or perform agriculture and domestic labor.(7, 10, 17)

Limited reports suggest that girls are engaged in commercial sexual exploitation along the main east-west highway between the cities of Birni-N’Konni and Zinder along the Niger-Nigeria border.(10, 36) Niger serves as a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.(17) Children are trafficked internally for forced labor in mines, agriculture, begging, domestic service, and commercial sexual exploitation.(26, 41) Children from Benin, Nigeria, Togo, and Ghana are trafficked to Niger for exploitative labor on the streets as menial laborers.(26, 41) Nigerien children are trafficked to work as beggars or manual laborers in both Nigeria and Mali.(41, 42) Nigerien girls are reportedly trafficked to countries in West Africa and the Middle East under the auspices of marriage for the purpose of commercial sexual exploitation.(17)

Due to the conflict in Mali, more than 24,000 Malians and Nigeriens residing in Mali crossed the border into Niger during

the year. The country also experienced flooding and cholera outbreaks.(43, 44) The situation was compounded by ongoing food shortages in the Sahel region, where Niger faced a nationwide cereal shortage.(45-52) Reports suggest that to cope with economic decline, many families pulled their children out of school and into child labor. The Government’s Ministry of Education estimates that more than 47,000 children left school during the year as a result of the food crisis.(44, 45) Furthermore, the lack of school infrastructure in Niger places children at risk of entering the workforce at a young age and being exploited in the worst forms of child labor.(13, 53)

## Laws and Regulations on the Worst Forms of Child Labor

The 2012 Labor Code sets the minimum age for employment at 14, including for apprenticeships.(54) While children ages 14 to 18 may work a maximum of 4.5 hours per day, the law also requires that no child or apprentice be employed in work that exceeds his or her strength.(10, 55) In addition, the law allows children between the ages of 12 and 13 to perform nonindustrial light work, including domestic work and fruit picking and sorting, for up to 2 hours per day.(10) However, light work requires a labor inspector’s authorization, must take place outside school hours, and must not harm the child.(10) The law does not explicitly include protections for children involved in domestic service and street work.(40, 55, 56)

## International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	18
	Free Public Education	Yes

Decree No. 67-126/MFP/T of September 1967 establishes the minimum age for hazardous labor at 16, and prohibits children from performing hazardous work with saws, explosives, chemicals, and in underground mine work, among others.(54, 57, 58) The Labor Code and Decree do not address related safety concerns such as requiring training, instruction, supervision, or other necessary protections for this group of workers, as called for in ILO C. 138.(57, 58) The Labor Consultative Council is currently reviewing the September 1967 decree—the regulations section implementing the Labor Code—in order to make it compliant with the 2012 Labor Code.(59)

Children in Niger are required to attend school until age 18 according to the Law on the Orientation of the Educational System in Niger.(59) Despite the legal guarantee of free education under the Law on the Orientation of the Educational System, some primary school fees continue to be charged, and the cost of books is prohibitive for many families.(60-62) Furthermore, the Government failed to implement teacher pay increases, which resulted in teacher strikes and the loss of education for children during some of the year.(63) However, reports suggest that the Ministry of Education will likely extend the school year to make up for the time the students missed.(59)

The new 2012 Labor Code prohibits the use of children in illicit activities and pornography, the recruitment and offering of children for prostitution, and all forms of forced and bonded labor, including slavery.(54) The 2006 Penal Code also specifically prohibits inciting a person to beg—however, such acts are categorized only as a misdemeanor and may be punished by a fine and up to 1 year of imprisonment.(16, 64, 65) According to the ILO Committee of Experts, the law is not enforced.(66)

In March 2012, the Government adopted and implemented decrees for its 2010 Law on Combating Trafficking in Persons, which protects children from recruitment and harboring in instances of trafficking.(63, 67) Traffickers of children may also be prosecuted under the Penal Code that criminalizes kidnapping.(64)

The 2012 Labor Code prohibits the recruitment and use of children in the military and armed conflicts, and establishes the minimum age of voluntary recruitment at 18. In March 2012, the Government of Niger acceded to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.(54, 68) During

the reporting period, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the “Kampala Convention”) came into force in Niger. The Government of Niger is a party to the convention, which prohibits the recruitment and use of children in armed conflicts, as well as the trafficking, abduction, and forced labor of women and children.(69, 70)

### **Institutional Mechanisms for Coordination and Enforcement**

The Ministry of Labor and Civil Service’s (MLCS) national child labor steering committee is composed of representatives from eight ministries, including the Ministry of Population, Women’s Promotion, and Child Protection; NGOs; and UN agencies. It coordinates efforts to reduce the worst forms of child labor.(65, 71) The steering committee is responsible for conducting child labor studies, raising awareness, and drafting action plans on the worst forms of child labor.(65, 71) In addition, the National Committee to Combat the Phenomenon of Street Children under the Ministry for the Promotion of Women and Child Protection is responsible for combating child engagement in street work.(56)

The MLCS and the National Commission on Human Rights and Fundamental Liberties are responsible for receiving labor violation complaints, investigating violations, and referring cases to the courts.(54, 72) The MLCS is charged with enforcing labor laws related to child labor, including those provisions governing hazardous labor for children under age 18. The MLCS has nine regional labor inspectorates and approximately 100 inspectors responsible for investigating and enforcing all elements of the Labor Code, including child labor.(4, 55, 73) Inspectors conduct both routine and complaint-based inspections in the formal sector.(4, 74) There do not appear to be any provisions in the law or any systems that have been established by government agencies to inspect for child labor violations in the informal sector. As a result, children working in the informal sector, including on the streets and as domestic servants, remain unprotected.(4, 74) Additionally, the ILO Committee of Experts notes that although the regional inspection service has a number of vehicles to visit worksites, the labor inspectorate lacks both human and material resources.(75) While law enforcement officials, with support from nongovernmental organizations, rescued 326 children from forced begging, the actual number of resulting arrests or prosecutions is unclear.(59, 63) For example, in December 2012, police arrested and detained five individuals who attempted to traffic 14 children (between

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10 and 11 years old) to North Africa, with the intention of using the children to work in gardening and animal herding. In January 2013, each of these individuals was convicted and sentenced to 2 years' imprisonment.(59) Additionally, no information is available regarding child labor inspections.

According to the Government of Niger, each of the 10 district courts and 36 magistrate courts has at least one judge designated to address children's issues, including child labor.(10, 54) In addition, the Ministry of Population, Women's Promotion, and Child Protection works with law enforcement authorities to provide referral, education, legal, and other services to vulnerable children in 13 sites throughout Niger.(54) Nigerien government officials, with support from nongovernmental organizations, rescued 326 children from forced begging during the year. No additional information was available at the time this document was written.(54)

The Ministry of Mining and the MLCS are responsible for inspecting and enforcing labor laws in the mining sector.(16, 55) However, research indicates that the Government has yet to adopt legislation that would formally make the issuance of mining licenses contingent on an agreement to not use child labor, which would effectively uphold child labor laws.(72) Additionally, research indicates that the Government does not provide sufficient oversight of the informal mining sector where children work, as the Ministry of Mining notes that only two (of numerous) traditional mining sites officially fall under the supervision of the Ministry of Mining.(72) However, during the reporting period, the Ministry of the Interior issued a circular prohibiting the use of children in mining operations in the locations of Tillabéri, Tahoua, and Agadez, directing the Ministry of Mining to take this issue into consideration while preparing mining contracts.(66) While it is unclear the extent to which the circular was implemented, the local Government of Tillabéri did hold an awareness-raising workshop on the issue during the reporting period.(36) Additionally, the Government reports removing 600 children from labor in the mines and placing them in school.(10)

The 2010 Law on Combating Trafficking in Persons established the National Commission to Coordinate Efforts to Combat Trafficking in Persons (CNLTP) and the National Agency to Fight Against Trafficking in Persons (ANLTP).(41, 67) While the CNLTP and the ANLTP were created in March 2012, the funding decrees are pending.(63) The National Commission against Forced Labor and Discrimination with the MLCS coordinates policies and programs to combat slavery, forced labor,

and trafficking. The commission includes representatives of the ILO, labor unions, civil society, and traditional chiefs.(4) In Niger, regional committees—supported by vigilance committees in 30 localities—report suspected cases of child trafficking to law enforcement personnel.(4, 39, 72) During the reporting period, the Government reported a number of child trafficking investigations, resulting in the arrest of 25 people, and conviction of nine people for child trafficking.(36, 54) Despite these advances, the Government did not adequately investigate, prosecute, or enforce antislavery and trafficking laws during the year. In addition, there was a general lack of information or data regarding enforcement statistics.(10, 17, 54)

## Government Policies on the Worst Forms of Child Labor

The MLCS's National Action Plan (NAP) to combat the worst forms of child labor covers a period of 2010-2015 and the sectors of agriculture, mining, domestic labor, begging, and commercial sexual exploitation.(4, 56, 76-78) The NAP aims to eliminate the worst forms of child labor in Niger by 2015, and all forms of child labor by 2025.(39) However, the NAP lacks a budget and implementation timeline, and the Government has not adopted or financed the policy yet.(7, 66)

In 2007, the Government developed an action plan to target the exploitation of children by religious instructors, but the plan has reportedly not been adopted or implemented due to a lack of funding.(17) The Government has a national action plan to combat the sexual exploitation of children. No further information was available at the time this document was written.(4, 56, 63)

Child labor concerns were incorporated into the country's new Social and Economic Development Plan (2012-2015).(54) Child labor concerns are also incorporated in the following national development agendas and policy documents: National Policy on Education, Vocational and Professional Training, Accelerated Development and Poverty Reduction Strategic Plan (2008-2012), and UN Development Assistance Framework (2009-2013).(4, 21, 54, 79-82) Reports suggest that Niger's Education Sector Plan (2002-2012), which gives priority to basic education, has contributed to an increase in school attendance for girls and a reduction in the average number of hours children work per week.(83) However, government policy also dictates that children of any age who fail the same grade twice are expelled from public schools. This practice makes children particularly vulnerable to the worst

forms of child labor, as they may not be permitted to be in school but are not legally permitted to work either.(4, 39, 61) Order No. 09/MPF/PE of 2007 of the National Committee to Combat the Phenomenon of Street Children under the Ministry for the Promotion of Women and Child Protection provides a framework for action to address the issue of street children.(66) Research indicates that the committee is active.(63) According to the World Bank, the Government's social protection policies and programs are fragmented and weak, with insufficient coverage.(84)

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

During the reporting period, President Mahamadou Issoufou publicly acknowledged the existence of—and spoke out against—forced labor, slavery, and trafficking in persons in Niger.(17, 36) During the reporting period, the Government held a number of workshops in Niamey, Tillabéri, and Dosso to raise awareness on such laws.(54)

In July 2012, the Government of Niger and the ILO signed an agreement (“Protocole d’Accord”) to implement the country’s Decent Work Plan. The ILO pledged to fund 25 percent of the plan’s budget, which amounts to \$6.5 million.(85-87) In August 2012, the Government, with assistance from the ILO, finalized its list of 20 Decent Work Plan indicators, which includes the number of children engaged in dangerous child labor and the number of children working.(85-87) The Government also participated in the EU-funded Measuring and Monitoring Decent Work project (2009-2013) that aims to support a transition toward decent work through facilitating the identification of indicators, establishing a monitoring and data collection mechanism (including related to child labor), and drafting an inspection manual.(86, 87)

The Government of Niger continues to participate in two regional USDOL-funded projects, including a 4-year, \$7.9 million project and a 3-year, \$5 million project. These projects are designed to strengthen ECOWAS’s Child Policy and Strategic Plan of Action, and to develop programs focusing on child trafficking as it pertains to the strategic plan.(88, 89) The Government participates in a \$1 million, regional project funded by France. This 3-year project, ending in 2014, aims to combat child labor in the domestic service sector.(90)

The Government of Niger participated in a program that allowed the Red Cross, World Food Program, USAID, IOM, and other organizations to provide uninterrupted assistance to the Malian refugees in Niger.(10, 45) With donor assistance,

the Government supported cash-for-work schemes, food banks, and other initiatives to address the food crisis, supporting over 600,000 beneficiaries in Niger.(47, 51, 91, 92) The Government also participated in the World Bank-funded, \$70 million Safety Net project that aims to establish a safety net system through cash transfer and cash-for-work programs.(93) The project targets over 1 million beneficiaries, with 60,000 of these receiving cash for work benefits. The project is scheduled to end June 2017.(93) Research suggests that these programs may support vulnerable children and families, and mitigate exploitative child labor.

During the reporting period, UNICEF sponsored “catch-up” classes for children who had dropped out of school due to the food crisis. With support from UNICEF, the Government of Niger also continued its campaign to raise awareness of the importance of civil registry documents, such as birth certificates and national identity cards, in an effort to combat human trafficking.(10) The Government participated in programs financially supported by UNICEF, which provided assistance to local nongovernmental organizations to combat child labor, including educational training centers run by Action Against the Use of Child Workers and case management training by the Niger Human Rights Association. The Government of Niger also participated in programs by local nongovernmental organizations, Volunteers for Education Integration, which provides vulnerable children with educational opportunities.(54)

The Government of Niger continued to participate in the USDOS-funded Program of Assistance for the Return and Reintegration of Trafficked Children in West Africa. Since 2006, the project has rescued over 250 children throughout West Africa (including Niger), providing them with necessary shelter, voluntary return, and reintegration and other assistance.(94) In addition, the Government participated in the UNODC 2010-2013 regional West Africa program that covers 15 countries and supports implementation of the ECOWAS Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organized Crimes in West Africa.(95)

The question of whether these social, educational, and economic development programs have had an impact on child labor does not appear to have been addressed.

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**Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Niger:**

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Raise the minimum age for hazardous work to 18.	2009, 2010, 2011, 2012
	Update the law to ensure protection for child domestic servants and children working on the streets.	2010, 2011, 2012
	Amend the Penal Code to provide more severe penalties for inciting an individual to beg and more vigilantly enforce the existing law.	2009, 2010, 2011, 2012
	Implement the Law on the Orientation of the Educational System in Niger, which establishes free education.	2010, 2011, 2012
Laws and Regulations	Adopt legislation that would formally make the issuance of mining licenses contingent on an agreement not to use child labor.	2011, 2012
Coordination and Enforcement	Render completely operational and provide resources for the CNLTP and the ANLTP.	2011, 2012
	Increase resources to conduct systematic inspections on the worst forms of child labor in all sectors of the economy, including the informal sector.	2009, 2010, 2011, 2012
	Increase efforts to prosecute and enforce child labor laws, particularly antislavery and anti-trafficking laws.	2010, 2011, 2012
	Collect and make public information on the number of labor inspections and penalties assessed, as well as criminal investigations, prosecutions, and convictions related to the worst forms of child labor.	2012
Policies	Adopt and implement the action plan to target children exploited by religious instructors.	2011, 2012
	Adopt and implement the updated NAP to Combat Child Labor and ensure the plan has a budget and implementation timeline.	2009, 2010, 2011, 2012
	Implement strategies to improve school retention by reducing the incidence of grade repetition.	2010, 2011, 2012
Social Programs	Expand and increase resources for social programs that prevent and withdraw children from the worst forms of child labor (including slave practices), particularly in agriculture and other sectors.	2009, 2010, 2011, 2012
	Evaluate the impact that existing social, educational, and economic development programs may have on addressing child labor.	2011, 2012
	Improve access to education by building more schools and ensure timely and consistent compensation for teachers.	2010, 2011, 2012

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