

In 2011, Niger made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government formally adopted the 2010 Law on Combating Trafficking in Persons and established the National Commission to Coordinate Efforts to Combat Trafficking in Persons and the National Agency to Fight Against Trafficking in Persons. However, Niger lacks a list of hazardous labor prohibited to children and does not prohibit all forms of commercial sexual exploitation of children. In addition, enforcement efforts and programs are insufficient, as well as implementation of policies. As a result, numerous children continued to be engaged in the worst forms of child labor, particularly in dangerous forms in the agriculture and mining sectors.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	41.5 (1,894,046)
Attending School	5-14 yrs.	30.4
Combining Work and School	7-14 yrs.	15.8
Primary Completion Rate		46.2

Sources:

Primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from DHS Survey, 2006.(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.(2-5) Children engaged in agriculture are commonly involved in dangerous activities, such as using sharp tools, carrying heavy loads and applying harmful pesticides.(7) Some 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, reportedly, goats; they are exposed to long working hours and severe weather conditions.(4, 8)

Children work in dangerous conditions in mines and quarries, including in the production of trona, salt, gypsum and gold; they break rocks; they extract, process and hoist ore; and they transport heavy loads.(9-18) Risks include exposure to mercury, suffocation and death from cave-ins.(9, 15) Girls working near the mines commonly deliver food and water to workers and risk harassment and sexual exploitation.(8, 19, 20) While



evidence is limited, research indicates that children also work in stone quarries, crushing rocks and carrying heavy loads.(13)

In urban areas, street children are prevalent and some of these children are found begging or performing tasks such as dishwashing, clothes washing, portering and vending.(3, 18, 21-23) Children working on the streets are vulnerable to severe weather, traffic accidents and criminal elements.(24) Children, especially girls, working in street vending and domestic service are vulnerable to working long hours, as well as physical or sexual harassment.(2, 5, 22)

Children work in the car maintenance, tannery, welding, and metal work industries, as well as in slaughterhouses.(3) Children in these sectors are exposed to health and safety risks, such as working long hours and using machinery and sharp tools.(24)

According to a 2011 report and the 2009 National Child Labor Survey implemented by the Government's National Institute of Statistics, with support from the ILO's Special Action Program to Combat Forced Labor, an estimated 55,000 children (or 3 percent of children) are engaged in forced labor.(25, 26) Among nomadic populations, traditional forms of caste-based servitude still exist in parts of Niger, especially among the Tuareg, Djerma and Arab ethnic minorities, and particularly in remote northern and western regions, and along the border with Nigeria.(8, 27, 28) Slaves, including children, are often forced to work long hours as shepherds, cattle herders, agricultural workers or domestic servants, and are often sexually exploited.(28, 29) Children of slaves are passed from one owner to another as gifts or as part of a dowry.(8)

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 four wives).(13, 30, 31) 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. The practice of *wahaya* is common among Twareg communities in the Tahoua region.(13, 30, 31)

Reports note the ongoing traditional practice of sending boys (called *talibés*), to Koranic teachers to receive education, which may include vocational training or apprenticeship.(3, 12, 32, 33) 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.(8, 13, 32)

Girls are commercially sexually exploited along the main east-west highway between the cities of Birni n’Konni and Zinder along the Niger-Nigeria border.(8)

Niger serves as a source, transit and destination country for children trafficked for forced labor and commercial sexual exploitation.(34) Children are trafficked internally for forced labor in mines, agriculture, begging, domestic service and commercial sexual exploitation.(21, 34) Children from Benin, Nigeria, Togo and Ghana are trafficked to Niger for exploitive labor on the streets as menial laborers.(21, 34) Nigerien children are trafficked to work as beggars or manual laborers in Nigeria and Mali.(34, 35) Nigerien girls were reportedly trafficked to Nigeria, Saudi Arabia, and the United Arab Emirates under the auspices of marriage for the purpose of commercial sexual exploitation.(13)

Reports indicate that ongoing droughts and agriculture insect infestations, as well as outbreaks of cholera, have contributed to an increase in unemployment, inflation and poverty. This could negatively impact school enrollment and the number of children engaged in the worst forms of child labor.(36-43) In addition, the return of more than 200,000 Nigeriens from Libya, as well as the transit of 25,000 Chadians from Libya and 40,000 Malian refugees during the year, further exacerbated the situation.(36, 44-48) 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.(9, 49)

Laws and Regulations on the Worst Forms of Child Labor

The 1996 Labor Code sets the minimum age for employment at 14, including for apprenticeships.(50) The Code also requires that no child or apprentice be employed in work that exceeds his or her strength.(50) Children ages 14 to 18 may work a maximum of 4.5 hours per day. The law allows children between the ages of 12 and 13 to perform non-industrial light work, including domestic work and fruit picking and sorting, for up to 2 hours per day. Light work requires a labor inspector’s authorization, must take place outside school hours, and must not harm the child.(8) The law does not include protections for children involved in domestic service and street work.(50-52)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	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	13
	Free Public Education	Yes

Decree No. 67-126/MFP/T of September 1967, which establishes the minimum age for hazardous labor at 16, authorizes such children to work in certain hazardous activities.(53) In addition, neither the Labor Code nor the Decree specifies the categories of hazardous labor for children. The Labor Code and Decree do not address related safety concerns such as requiring training, instruction, supervision and other necessary protections for this group of workers, as called for in ILO Convention 138.(53)

Children in Niger are required to attend school only until age 13. The gap between the compulsory education age and

minimum age for work makes children particularly vulnerable to the worst forms of child labor as they are not required to attend school, but are not legally permitted to work either. (54-56) In addition, despite the legal guarantee for 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. (54, 57, 58) Furthermore, the Government frequently failed to pay primary and secondary school teachers, which results in teacher strikes and the loss of education for children. (59)

The Labor Code prohibits and provides criminal penalties for forced and bonded labor. (50) The 2006 Penal Code criminalizes slavery and provides appropriate penalties (up to 30 years imprisonment) for such acts, and includes specific reference to children under 18 who might be put into such a situation by parents or guardians. (29, 60) The 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. (12, 60, 61)

The Government's 2010 Law on Combating Trafficking in Persons aims to prevent and fight trafficking in persons, especially of women and children; protect, support and assist trafficking victims by ensuring that their rights are respected; and punish traffickers for trafficking offenses. (62) The implementing decrees were adopted on March 22, 2012. (63) Traffickers of children may be prosecuted under the Penal Code, which criminalizes kidnapping. (60) The Penal Code also defines and sets penalties for several components of commercial sexual exploitation but does not capture all such crimes. It criminalizes carnal knowledge of children under age 13, facilitating prostitution and owning a brothel; but it does not directly criminalize prostitution. (60) The Government has also adopted an implementing decree to make the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography applicable and punishable in Niger. (8, 63) The lack of legislation criminalizing all forms of commercial sexual exploitation leaves children vulnerable and unprotected. (60)

According to Ordinance No. 96-033 (1996), military service is obligatory, with a minimum age of 18. (63) As of 2007, the Government signed the Paris Commitments, which protects children from recruitment and use in armed forces. (52, 64, 65) However, at the time of writing, it is unclear if the Government has adopted an implementing decree to make the Paris Commitments applicable at the country level.

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Community Development's national child labor steering committee is composed of representatives from eight ministries, NGOs and UN agencies and coordinates efforts to reduce the worst forms of child labor, including reviewing child labor action plan proposals. (61, 66) The national child labor steering committee includes representation from the Child Labor Division of the Ministry of Labor and Civil Service (MLCS) and is responsible for conducting child labor studies, raising awareness and drafting action plans on the worst forms of child labor. (61, 66) 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. (52)

The MLCS and the National Commission on Human Rights and Fundamental Liberties are also responsible for receiving labor violation complaints, investigating violations and referring cases to the courts. (67) According to the Government of Niger, each of the 10 district courts and 36 magistrate courts have at least one judge designated to address children's issues, including child labor. (8) The Government did not maintain a system for referring victims of child labor, slavery and trafficking to protective services. (13)

The MLCS is also charged with enforcing labor laws, 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. (3, 50, 68) Inspectors conduct both routine and complaint-based inspections in the formal sector. 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. Limiting inspections to the formal sector may leave children working on the streets, and as domestic servants, unprotected. (3, 69)

The Ministry of Mining and MLCS are responsible for inspecting and enforcing labor laws in the mining sector. (12, 50, 59) 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. Additionally, research indicates that

the Government does not provide sufficient oversight of the formal 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.(59, 67)

A recent ILO high-level fact-finding mission and the ILO Committee of Experts note that although each regional inspection service does have a vehicle to visit worksites, the labor inspectorate acutely lacks both human and material resources.(12, 67, 69, 70) As a result, no child labor inspections occurred during the reporting period.(3, 8)

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).(34, 62) However, while the CNLTP and the ANLTP were created in March of 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.(3) In Niger, regional committees—supported by vigilance committees in 30 localities—sometimes report suspected cases of child trafficking to law enforcement personnel.(3, 67, 71) However, the Government did not adequately investigate, prosecute or enforce antislavery and trafficking laws during the year.(8, 13)

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 CSEC.(3, 52, 72-74) The NAP aims to eliminate the worst forms of child labor in Niger by 2015, and all forms of child labor by 2025.(71) However, the NAP lacks a budget and implementation timeline, and the Government has not adopted or financed the policy yet.(3, 52, 72-74)

In 2007, the Government developed an action plan to target the exploitation of children by religious instructors, but this has reportedly not been adopted or implemented due to a lack of funding.(13, 55) The Government adopted a national action plan to combat the sexual exploitation of children in 2005, which is reportedly still in effect.(3, 52) In addition, the MLCS and the National Institute of Statistics conduct surveys related to the worst forms of child labor, often with the support of partners such as UNICEF and ILO-IPEC.(2, 9)

In 2010, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims trafficked for the purpose of exploitive labor and hazardous child labor. Begging was included as a form of exploitation, reflecting the regional need to combat this growing problem.(75) During the year and under the auspices of this policy, the Government provided police, *gendarmerie* (national police force) officers, social workers, and judges with some training to offer greater assistance to *talibé* children. The Government also reportedly supported border checkpoints to combat the trafficking of children.(76)

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), Poverty Reduction Strategy Paper, and United Nations Development Assistance Framework (2009-2013).(3, 17, 77-80) 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.(81) However, government policy dictates that in practice, 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.(3, 54, 55, 71)

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

During much of 2010 and the first quarter of 2011, Niger suffered political unrest as the country was led by a transition government that lacked constitutional authority and a budget, which negatively impacted the country's social programs.(13, 82) However, during the reporting period, President Mahamadou Issoufou took office as elected President, resulting in a number of countries lifting their sanctions on Niger and thereby increasing donor funding for social programs.(63, 67, 83, 84) During the year, President Mahamadou Issoufou publicly acknowledged the existence of—and spoke out against—forced labor, slavery and trafficking in persons in Niger.(13, 67, 83-85)

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.(86, 87) The Government also participated in the 2006 to 2011 USDOL-funded forced labor assessment study in the agriculture sector.(88) The Government participates in a regional \$1 million France-funded and ILO-implemented 3-year (ending in 2014) project that aims to combat child labor in the domestic service sector.(89) The Government also participates in an EU-funded Measure and Monitoring Decent Work project from 2009 to 2013 that aims to support a transition towards decent work through; facilitating the identification of indicators, establishing a monitoring and data collection mechanism (including child labor), and drafting an inspection manual.(90, 91) The Government also participates in regional initiatives and country projects funded by IOM that aim to provide assistance to migrants and trafficking victims, including education campaigns.(12, 34, 92)

During the year, the Government continued programs to improve the Koranic school system through the reorganization of the system, as well as the provision of training to teachers and free school kits to students.(3, 8, 56, 76) 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.(8, 34)

The Government of Niger worked with the Office of the United Nations High Commissioner for Refugees and other

humanitarian organizations to provide services to hundreds of children and their families displaced by famine, floods and political crises.(8) The WFP started a country-wide feeding program for 35,000 beneficiaries, as well as a cash for work program for 2,500 additional beneficiaries.(38)

The Government of Niger participated in the World Bank-funded, \$8 million Education For All Basic Education project that aims to improve primary education access and quality.(93) The project ended in November 2011. The World Bank gave the project a satisfactory rating in 2010 (the last year available) for progress towards implementation of project goals.(93) 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.(94) The project targets over 1 million direct beneficiaries, with 60,000 of these receiving cash for work benefits. The project is scheduled to end June 2017, and the World Bank rated progress towards implementation of project goals as satisfactory for the past 2years.(94) The question of whether these social, education and economic programs have had an impact on child labor or are sustainable has not been addressed.

Despite efforts across Niger, the scale of social protection programs and services aimed at preventing the worst forms of child labor (including child slavery) does not meet the needs, especially in sectors where the majority of children work, such as agriculture and mining.

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	Revise the law to define all the specific hazardous occupations that are illegal for children, and raise the minimum age for hazardous work to 18.	2009, 2010, 2011
	Update the law to ensure protection for child domestic servants and children working on the street.	2010, 2011
	Amend the Penal Code to provide stiffer penalties for all acts of forced labor, including forced begging.	2009, 2010, 2011
	Implement the newly adopted Law on Combating Trafficking in Persons.	2011
	Enact legislation criminalizing all forms of commercial sexual exploitation of children and provide appropriate penalties.	2009, 2010, 2011
	Implement the Law on the Orientation of the Educational System in Niger, which establishes free education.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase the minimum age for compulsory education to at least 14, to harmonize the minimum age for work and the maximum age for compulsory education.	2010, 2011
Coordination and Enforcement	Render operational and provide resources for the National Commission to Coordinate Efforts to Combat Trafficking in Persons (CNLTP) and the National Agency to Fight Against Trafficking in Persons (ANLTP).	2011
	Establish a formal referral mechanism for victims of child labor and forced labor.	2011
	Increase resources to conduct systematic inspections on the worst forms of child labor in all sectors of the economy.	2009, 2010, 2011
	Step-up efforts to prosecute and enforce child labor laws, particularly antislavery and anti-trafficking laws.	2010, 2011
Policies	Adopt and implement the updated NAP to Combat Child Labor, and ensure the Plan has a budget and implementation timeline.	2009, 2010, 2011
	Adopt and implement the action plan that targets children exploited by religious instructors.	2011
	Implement strategies to improve school retention by reducing the incidence of grade repetition.	2010, 2011
Social Programs	Assess and evaluate the impact that existing social, economic and education programs may have on addressing child labor.	2011
	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
	Improve access to education by building more schools and ensure timely and consistent compensation for teachers.	2010, 2011

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