

In 2016, Niger made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government trained labor and criminal law enforcement agencies on laws and regulations related to child labor and conducted workshops to address child trafficking and forced begging of children.

In addition, the Government continued to participate in a number of programs targeting the worst forms of child labor, including a new program to combat child labor in agriculture.

However, children in Niger perform dangerous tasks in agriculture. Children also engage in the worst forms of child labor, including in caste-based servitude and mining. Gaps in laws related to hazardous work and limited resources for the systematic enforcement of child labor laws have left children unprotected from the worst forms of child labor. In addition,

social programs to combat child labor in Niger are insufficient to adequately address the extent of the problem.



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Niger perform dangerous tasks in agriculture.(1-3) Children also engage in the worst forms of child labor, including in caste-based servitude and mining. (4-9) Table 1 provides key indicators on children’s work and education in Niger.

**Table 1. Statistics on Children’s Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	42.9 (2,516,191)
Attending School (%)	7 to 14	48.0
Combining Work and School (%)	7 to 14	22.1
Primary Completion Rate (%)		69.0

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(10)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Demographic and Health Survey (DHS), 2012.(11)

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

**Table 2. Overview of Children’s Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Production of rice, fruits, nuts, and vegetables (1-3, 9)
	Herding and caring for livestock, including cattle (2, 3, 9, 12, 13)
	Fishing (2, 14)
Industry	Quarrying <sup>†</sup> and mining <sup>†</sup> for trona, salt, gypsum, natron, and gold (3-5, 8, 13, 15-18)
	Mechanical repair, <sup>†</sup> welding, <sup>†</sup> and metal work <sup>†</sup> (3, 6)
	Working in construction, <sup>†</sup> tanneries, <sup>†</sup> and slaughterhouses <sup>†</sup> (6, 18, 19)
Services	Street work, including as market vendors and beggars <sup>‡</sup> (5, 14, 19)
	Domestic work (5, 6, 9, 13)
Categorical Worst Forms of Child Labor <sup>‡</sup>	Commercial sexual exploitation, sometimes as a result of human trafficking (6, 8, 9)
	Forced recruitment by non-state armed groups for use in armed conflict (6, 8, 20)
	Caste-based servitude, including as cattle herders, agricultural workers, and domestic workers (7-9, 20)
	Forced begging by Koranic teachers (5, 6, 8, 9)
	Forced labor in domestic work and mining, each sometimes as a result of human trafficking (8, 13, 20, 21)

<sup>†</sup> Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

<sup>‡</sup> Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

# Niger

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Traditional forms of caste-based servitude, such as the use of women and girls as *wahaya*, still exist in parts of Niger, especially among the Arab, Djerma, and Tuareg ethnic minorities, in distant western and northern regions, and along the border with Nigeria. Under the *wahaya* practice, men buy girls born into slavery, typically between the ages of 9 and 11 years old, as “fifth wives,” who are forced to work long hours as cattle herders, agricultural workers, or domestic workers and are often sexually exploited.(6-9, 13, 22-24) The children of *wahaya* wives are considered slaves as well and are passed from one owner to another as gifts or as part of dowries.(3, 6, 7, 18)

In Niger, it is also a traditional practice to send boys (*talibés*) to Koranic teachers (*marabouts*) to receive religious education. However, some of these boys are forced by their teachers to beg on the streets and surrender the money they have earned, or to perform manual labor.(5, 8, 9, 18)




During the year, Boko Haram attacked numerous villages in the Diffa region along Niger’s borders with Nigeria, which caused an influx of refugees and internally displaced persons and strained the Government’s resources for addressing child labor. Evidence suggests that Boko Haram forcibly recruited Nigerien children for use in armed conflict in the Diffa region. (3, 6, 20, 25-31) In Niger, refugees and internally displaced children are particularly vulnerable to engaging in the worst forms of child labor. (3, 9, 13, 31)

Although the Constitution of Niger provides for free and compulsory education, in practice, this provision is not enforced effectively, as many children, especially girls, do not attend school.(3, 32) The lack of school infrastructure, school materials, and limited availability of teachers, especially in rural areas, impede access to education, which may increase the vulnerability of children to the worst forms of child labor.(3, 9, 32-35)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Niger has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Niger’s legal framework to adequately protect children from child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Article 106 of the Labor Code (36)
Minimum Age for Hazardous Work	No	16	Article 138 of Decree No. 67-126/MFP/T (37)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 138-158 of Decree No. 67-126/MFP/T; Article 181 of the Penal Code (37, 38)
Prohibition of Forced Labor	Yes		Article 14 of the Constitution; Article 4 of the Labor Code; Article 2 of the Law on Combating Trafficking in Persons; Article 270 of the Penal Code (32, 36, 38, 39)

**Table 4. Laws and Regulations on Child Labor (cont)**

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Child Trafficking	Yes		Article 107 of the Labor Code; Article 10 of the Law on Combating Trafficking in Persons (36, 39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 107 of the Labor Code; Articles 291-292 of the Penal Code; Article 10 of the Law on Combating Trafficking in Persons (36, 38, 39)
Prohibition of Using Children in Illicit Activities	Yes		Article 107 of the Labor Code; Article 10 of the Law on Combating Trafficking in Persons; Article 181 of the Penal Code (36, 38, 39)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Article 107 of the Labor Code (36)
Non-State Compulsory	Yes	18	Article 107 of the Labor Code (34)
Compulsory Education Age	No		
Free Public Education	Yes		Article 23 of the Constitution (32)

\* No conscription (40)

Niger fails to ensure that children receive adequate training or fails to protect the health, safety, and morals of the child, in accordance with international standards where the minimum age for hazardous work is between 16-18.(41, 42) The law prohibits hazardous occupations and activities for children in mining, quarrying, manufacturing, construction, tanneries, and slaughterhouses.(37, 38) However, these prohibitions do not cover agriculture, an area in which there is evidence of work in unhealthy environments that expose children to hazardous substances and dangerous equipment.(1, 19, 37) In addition, children performing unpaid or non-contractual work do not have the same protections under child labor laws and regulations as do children performing contractual work.(3, 34)

Although Article 2 of the Law on the Orientation of the Educational System in Niger guarantees education for all children from age 4 to 18, there is no law which establishes a compulsory education age. (43)

The Penal Code prohibits employing and provoking children to beg; however, the penalties outlined in Article 181 are lenient and may not prevent violations.(38) Article 178 of the Penal Code also provides penalties for vagrancy, which is defined by Article 177 as a person without a home, an occupation, or means of subsistence. This Article may compel children who live on the streets to engage in the worst forms of child labor.(38, 44)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Employment, Labor and Social Security (MELSS)	Enforce laws related to child labor by receiving complaints, investigating violations, and referring cases to courts.(6, 9, 44, 45) MELSS' Child Labor Division conducts studies on the scope and nature of child labor, raise awareness of child labor, and coordinate government efforts to eliminate child labor.(6, 14)
National Human Rights Commission (CNDH)	Receive child labor complaints, investigate violations, and report violations to courts.(6, 9)
Ministry for the Promotion of Women and Child Protection	Work with law enforcement officials to provide vulnerable children with services, including education and counseling, in 34 centers across the country.(9, 14, 42)
Ministry of Justice's District and Magistrate Courts	Address children's issues, including child labor, through 10 district courts and 36 magistrate courts.(3, 6)
Regional and Vigilance Committees	Prevent child trafficking by alerting law enforcement of activities linked to human trafficking, directing victims of human trafficking to law enforcement, and working closely with the Minister of Interior to raise awareness of the worst forms of child labor. Vigilance committees, which work in 30 localities, report suspected cases of illegal transport of minors to the police.(14, 46)

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### *Labor Law Enforcement*

In 2016, labor law enforcement agencies in Niger took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	60 (47)	73 (48)
Inspectorate Authorized to Assess Penalties	No (6)	No (6)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (47)	Yes (6)
Training on New Laws Related to Child Labor	Yes (47)	Yes (6)
Refresher Courses Provided	Yes (47)	Yes (6)
Number of Labor Inspections	8,643(6)	Unknown (6)
Number Conducted at Worksite	151 (6)	Unknown (6)
Number Conducted by Desk Reviews	8,492 (6)	Unknown (6)
Number of Child Labor Violations Found	0 (6)	Unknown (6)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (6)	Unknown (6)
Number of Penalties Imposed that Were Collected	0 (6)	Unknown (6)
Routine Inspections Conducted	Yes (47)	Yes (6)
Routine Inspections Targeted	Yes (47)	Yes (6)
Unannounced Inspections Permitted	Yes (47)	Yes (6)
Unannounced Inspections Conducted	Yes (47)	Yes (6)
Complaint Mechanism Exists	Yes (47)	Yes (6)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (47)	Yes (6)

In 2016, the Ministry of Employment, Labor and Social Security (MELSS) increased the number of labor inspectors to 73, who are disseminated throughout Niger to enforce labor laws, including those related to child labor.(6, 48) Despite increasing the number of inspectors by 13 in 2016, the number of labor inspectors remains insufficient for the size of Niger's workforce, which includes over 6.5 million workers. According to the ILO's recommendation of one inspector for every 40,000 workers in less developed countries, Niger should employ roughly 163 inspectors in order to adequately enforce labor laws throughout the country.(49-51) Reports indicate a lack of equipment, transportation, and funding to conduct child labor inspections and legal proceedings, especially in remote locations and in informal sectors.(3, 6, 33)

### *Criminal Law Enforcement*

In 2016, criminal law enforcement agencies in Niger took actions to combat the worst forms of child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes(47)	Yes(6)
Training on New Laws Related to the Worst Forms of Child Labor	Yes(47)	Yes(6)
Refresher Courses Provided	Yes(47)	Yes(6)
Number of Investigations	Unknown(47)	Unknown(6)
Number of Violations Found	Unknown(47)	Unknown(6)
Number of Prosecutions Initiated	0(47)	0(6)
Number of Convictions	0(47)	0(6)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes(47)	Yes(6)

The Government of Niger does not differentiate between labor inspectors and criminal investigators for cases involving child labor. The 73 labor inspectors refer complaints to criminal law enforcement.(6, 47) Investigators received basic and continued training on matters related to the laws and the enforcement of laws relating to the worst forms of child labor during the reporting period.(6, 8) However, evidence does not show meaningful efforts made by criminal law enforcement authorities to address the use of children for forced mining, forced begging, as well as traditional forms of caste-based servitude and hereditary slavery.(5, 6, 8, 47) An informal referral mechanism between NGOs, the police, and government social services is in place, but the resources and facilities for the social services agencies are inadequate.(6, 8) While the exact number of children removed from the worst forms of child labor is unavailable, removals are only conducted in the most extreme cases of exploitation, according to MELSS.(47)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Review proposals for action plans for the ILO-IPEC country program and ensure that they are consistent with national child labor policy and priorities. Chaired by MELSS.(41, 45)
National Commission to Coordinate Efforts to Combat Trafficking in Persons (CNCLTP)	Coordinate efforts to combat human trafficking, and to develop and implement policies and programs related to human trafficking.(14, 39, 44) Includes representatives from the CNDH and MELSS, as well as civil society organizations.(41, 52) During 2016, organized a workshop to raise awareness on trafficking in persons and illicit migrant smuggling.(53)
National Agency to Fight Against Trafficking in Persons (ANLTP)	Implement policies and programs developed by the CNCLTP; conduct awareness campaigns about human trafficking in conjunction with the CNCLTP; provide training and education to reduce the risk of human trafficking; and maintain a hotline to receive complaints of human trafficking.(14, 41, 44, 52) In 2016, trained district and magistrate courts on trafficking in persons and illicit migrant smuggling, and conducted awareness campaigns about forced begging of children. (5, 20, 54)
National Committee to Combat Child Labor in Agriculture	Coordinate policies and programs to combat child labor in agriculture.(55) Chaired by the Ministry of Agriculture and includes representatives from MELSS and the Ministry for the Promotion of Women and Child Protection, as well as nongovernmental stakeholders.(56) In 2016, implemented raising awareness campaigns to combat hazardous work in agriculture.(57)

Reports indicate that the effectiveness of the National Agency to Fight Against Trafficking in Persons (ANLTP) and National Commission to Coordinate Efforts to Combat Trafficking in Persons (CNCLTP) was hampered by budget constraints.(3, 20) The number of calls received by the ANLTP's hotline that involve child trafficking is unknown. In addition, evidence did not find whether the National Steering Committee on Child Labor was active and received any funding during the reporting period.(6)

#### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Key Policies Related to Child Labor<sup>†</sup>**

Policy	Description
National Action Plan to Combat Trafficking in Persons (2014–2018)	Includes goals of enhancing the legal framework to prevent human trafficking, effectively implementing the laws, providing effective protection and care for victims, including children. Led by the ANLTP. (9, 46, 58) In 2016, implemented awareness-raising missions and advocacy meetings on human trafficking.(20, 46)
National Action Plan to Combat the Sexual Exploitation of Children	Seeks to combat the sexual exploitation of children.(41, 46)
National Social Protection Strategy	Aims to improve the quality of, and access to, basic education and health services; includes strategy to combat child labor. Overseen by the Ministry for the Promotion of Women and Child Protection.(59) In 2016, implemented awareness-raising activities in rural communities on tackling child marriage.(60)

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**Table 9. Key Policies Related to Child Labor<sup>‡</sup> (cont)**

Policy	Description
UNDAF (2014–2018)	Promotes improved access to education for vulnerable children and aims to build the capacity of the Government to address child labor. Falls under the direction of the Ministry of Planning, Territorial Administration, and Community Development, and supported by international donors. (61, 62)
Education and Training Sectorial Program (PSEF) (2014–2024)	Sets out a comprehensive map to improve the quality of, and access to, basic and higher education. Led by the Ministry of Education.(12, 34) In 2016, developed programs to improve quality of teaching for secondary level education.(63)

‡ The Government has other policies which may have addressed child labor issues or had an impact on child labor.(64-66)

In 2016, the Government of Niger did not officially adopt the draft National Action Plan to Combat Child Labor, which aims to eliminate the worst forms of child labor in Niger by 2025.(9, 45, 46, 48) In addition, research was unable to determine whether activities were undertaken to implement the National Action Plan to Combat the Sexual Exploitation of Children and UNDAF during the reporting period.

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Key Social Programs to Address Child Labor<sup>‡</sup>**

Program	Description
Centers for Education, Legal, and Preventive Services (SEJUP) <sup>†</sup>	Government program, in collaboration with UNICEF, which aims to provide food, shelter, education, and vocational training to street children, many of whom are victims of child labor. In 2016, operated 34 centers located nationwide.(5, 9, 67)
Project to Reduce Child Labor in Agriculture (2016 –2018) *	\$247,000 FAO-funded program, and implemented by the Ministry of Agriculture, that aims to combat child labor in the agriculture sector, with a focus in the regions of Niamey, Tillabery, Dosso, and Tahoua. (57, 68, 69)
Project to Prevent and Protect Children from Commercial Sexual Exploitation (2015 – 2017)	Government of Luxembourg-funded, 2-year, \$470,000 project to combat commercial sexual exploitation of children in the regions of Niamey, Tillabery, and Dosso. In 2016, provided reintegration services to 2,000 children.(70)
Project Against Forced Labor and Discrimination (PACTRAD II) (2014–2016)	Government program, supported by the ILO, to combat forced labor and discrimination practices against women and children in Niger. In 2016, conducted a training session for local organizations on forced labor, as well as assisted the CNCLTP and ANLTP to conduct a feasibility study to set-up a fund to compensate victims of caste-based servitude.(68, 71, 72)
UNICEF Country Program (2014 – 2017)	UNICEF-funded program that supports the Government’s efforts to improve education, birth registration rates, social inclusion, and strengthening child protection programs, including for children of refugees located in the Diffa region. In 2016, provided protection and reintegration services to 39,856 at-risk children. (31, 73)
World Bank Country Program	World Bank projects in Niger that aim to increase access to quality basic and secondary education, improve school infrastructure, and strengthen safety nets for vulnerable populations. In 2016, started the construction of 360 classrooms in primary schools, provided education grants to 700 girls in secondary school, and delivered cash transfers to 44,888 beneficiary households.(74-76)

\* Program was launched during the reporting period.

† Program is funded by the Government of Niger.

‡ The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(77, 78)

Although Niger has programs that target child labor, the scope of these programs is insufficient to fully address the problem, especially in agriculture, herding, mining, and caste-based servitude. Niger also lacks a specific program to assist children exploited by religious instructors.(6, 79)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Niger (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a compulsory education age equal to or higher than the minimum age of employment.	2016
	Ensure that the minimum age for hazardous work is 1) 18 or 2) 16 and a) children receive adequate training in the type of work; and b) the health, safety, and morals of the child are protected.	2016
	Ensure the types of work that children perform in Niger that fall into a R.190 category, such as work in unhealthy environments, are prohibited to children under 18.	2014 – 2016
	Ensure that the law's minimum age provisions and protections apply to children in unpaid or non-contractual work.	2015 – 2016
	Ensure that the Penal Code provides higher penalties for inciting people to beg and that street children are not compelled to engage in the worst forms of child labor.	2009 – 2016
Enforcement	Ensure the labor inspectorate has authority to determine and assess penalties.	2016
	Increase the resources and number of labor inspectors and criminal investigators responsible for enforcing laws related to child labor in order to provide adequate coverage of the workforce.	2009 – 2016
	Ensure inspections and enforcement efforts take place in the informal sector and remote locations, in which most child labor occurs.	2014 – 2016
	Increase efforts to ensure that perpetrators of the traditional forms of caste-based servitude, hereditary slavery, forced mining and begging are prosecuted according to the law.	2010 – 2016
	Publish complete information on labor inspectorate funding, the number and type of labor inspections, violations, and penalties related to child labor, as well as the number of criminal law investigations and violations.	2012 – 2016
	Ensure government social services have sufficient resources and facilities to provide the necessary care to all children withdrawn from hazardous labor.	2015 – 2016
Coordination	Ensure that key coordinating mechanisms are active and receive adequate funding to fulfill their missions.	2011 – 2016
	Disaggregate complaints made to the ANLTP's hotline by number of children trafficked.	2013 – 2016
Government Policies	Adopt and implement the National Action Plan to Combat Child Labor.	2009 – 2016
	Ensure that the National Action Plan to Combat the Sexual Exploitation of Children and UNDAF are implemented.	2016
Social Programs	Enhance efforts to eliminate barriers and make education accessible for all children, including girls, refugees, internally displaced children, and children in rural communities by increasing school infrastructure, teacher availability, and school supplies.	2013 – 2016
	Expand the scope of programs to address the worst forms of child labor, including in agriculture, herding, mining, and caste-based servitude.	2009 – 2016
	Implement a program to target children exploited by religious instructors.	2011 – 2016

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- workers should approach: 1/10,000 in industrial market economies; 1/15,000 in industrializing economies; 1/20,000 in transition economies; and 1/40,000 in less developed countries.
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