Niger

The Government of Niger supported limited programs to reduce the worst forms of child labor, such as providing services to street children. Gaps remain in legislation, policies, and programs to address the worst forms of child labor. Children continue to be exploited in hazardous work in agriculture, including the raising of animals, and the mining of gold, gypsum, and salt.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	66.2%
Attending School	5-14 yrs.	31.1%
Combining Work and School	7-14 yrs	24.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Niger are exploited in the worst forms of child labor,³⁷⁴⁶ many of them in agriculture and raising animals.³⁷⁴⁷ Such children may carry loads that are too heavy for their small stature and work long hours, putting them at greater risk of injury. Children work in dangerous conditions in mines and quarries, including in the production of salt, gypsum, and gold where they break rocks, extract, process, and hoist ore, and transport heavy loads.³⁷⁴⁸ Interviews of approximately 400 children in mining sites, conducted in 2009, found that 38 percent of these children reported having been the victim of an accident at the work site.³⁷⁴⁹

Children, especially girls, working in domestic service and street vending, are at risk of physical or sexual harassment. Children work in manufacturing and maintenance, including welding, carpentry, and metal work. Children also work in slaughterhouses, which exposes them to health and safety risks.

In urban areas, street children are prevalent; they are found begging or performing tasks such as dishwashing and portering. ³⁷⁵³ Such children risk injury from activities such as carrying heavy loads

as porters or from accidents caused by proximity to vehicles while begging in the street.

Some children in Niger work in conditions of forced labor. In some cases, this stems from the traditional practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component. 3754 Some boys are forced by their teachers to beg and surrender the money that they have earned or perform manual labor, including in agriculture.3755 In addition, traditional forms of caste-based servitude still exist in parts of Niger among nomadic populations.³⁷⁵⁶ Slaves, including children, are often forced to work long hours as shepherds, agricultural workers, or domestic servants.³⁷⁵⁷ Girls who work as domestic servants are sometimes pressed into prostitution. Commercial sexual exploitation of children also exists near the border with Nigeria and along the main highway.³⁷⁵⁸

Niger serves as a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.³⁷⁵⁹ Children are trafficked internally for forced labor in mines, agricultural labor, begging, and domestic service, as well as for commercial sexual exploitation.³⁷⁶⁰ Children from Benin and Mali are trafficked to Niger for

exploitive labor, including working in mines, on farms, and on the streets as menial laborers.³⁷⁶¹ Children are trafficked through Niger to Europe or North Africa.³⁷⁶² Nigerien children are trafficked to work as beggars or manual laborers in Nigeria, Mali, and Burkina Faso.³⁷⁶³

In 2009, after Niger's President dissolved the National Assembly and the Constitutional Court, granting himself emergency powers, many donor nations suspended development assistance to Niger, which remains one of the least developed nations. In addition, a failed harvest and food crisis prompted many rural Nigeriens to leave their villages to seek food and work, which increased the risk to rural children of being trafficked into the worst forms of child labor. 3765

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 14, including for apprenticeships, while the minimum age for hazardous labor is set at 16. This law also requires that no child or apprentice be employed in work that exceeds his or her strength and that employers guarantee certain minimum sanitary conditions.³⁷⁶⁶ However, Decree No. 67-126/MFP/T of September 1967, which authorizes children who are age 16 to work in certain hazardous activities, does not adequately address the related safety concerns by requiring training, instruction, supervision, and other necessary protections for this group of workers.³⁷⁶⁷ Education is only compulsory until age 12, leaving a gap before the legal working age of 14, which puts children in that group at risk of falling into the worst forms of child labor.3768

The Minister of the Interior issued a circular prohibiting the use of children in mining in several regions of Niger. Through the labor and penal codes, Niger prohibits and provides criminal penalties for forced and bonded labor. The 2003 Loi n° 2003-025 amended the Penal Code to criminalize slavery and provide 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. Nigerien law also specifically prohibits inciting a person to beg, but such acts, categorized as a misdemeanor, may be punished by a fine and up to 1 year of imprisonment. However, these restrictions and

penalties do not appear sufficient to deter forced begging, which is a prevalent form of forced child labor in Niger.

Since 2006, Niger has been reviewing a draft law against trafficking but had not yet adopted it, as of the end of the reporting period.³⁷⁷³ Nonetheless, traffickers of children may be prosecuted under the Penal Code which criminalizes kidnapping.³⁷⁷⁴ 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 the age of 13, facilitating prostitution and owning a brothel, but it does not directly criminalize prostitution. Such crimes might be considered offenses under the prohibition against indecency, but this is not clear from the law.³⁷⁷⁵ The lack of legislation criminalizing all forms of commercial sexual exploitation leaves children vulnerable and unprotected.3776

In February 2010, a military junta seized power and suspended the Constitution, along with some of the governing institutions discussed in this report. Although this did not affect the laws discussed above, the impact on the country's child labor efforts at this point is not known.

STT OF	C138, Minimum Age	✓
ATTORY	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	12
	Free Public Education	Yes

Institutional Mechanisms for Monitoring and Enforcement

Niger established a national child labor steering committee which coordinates efforts to reduce worst forms of child labor.³⁷⁷⁸ This steering committee, established through the Ministry of Community Development in 2006, includes representatives from eight ministries, as well as representatives from NGO and UN agencies. ³⁷⁷⁹

The Ministry of Labor is charged with enforcing labor laws, including those provisions governing hazardous labor for children under age 18. It has nine regional labor inspectorates and approximately 100 inspectors who are responsible for investigating and enforcing all elements of the Labor Code, including child labor. Inspectors conduct both routine and complaint-based inspections in the formal sector. In According to the ILO Committee of Experts, the labor inspectorate acutely lacks both human and material resources, although each regional inspection service does have a vehicle to visit worksites.

While the Ministry of Labor handles hazardous work, responsibility for other worst forms of child labor is divided. The Ministries of Interior, Justice, and the Promotion of Women, and the Protection of Children share the responsibility for problems such as trafficking, slavery, and sexual exploitation. ³⁷⁸³ Since 2004, Nigerien authorities investigated at least 8 cases of caste-based slavery, including the enslavement of children. ³⁷⁸⁴ During the reporting period, law enforcement officials arrested several traffickers connected to the trafficking of at least 112 children. At least two of these traffickers were subsequently released without charges, while others were charged under laws related to kidnapping. ³⁷⁸⁵

Government Policies on the Worst Forms of Child Labor

In March 2000, Niger adopted a National Action Policy (NAP) against Child Labor, which provided a framework for some actions, but did not address child labor in the rural sector. The Government worked with stakeholders to update this NAP. In November 2009, an updated NAP was reviewed and validated by a group of experts. To date, however, the updated NAP has yet to be adopted. The government developed an action plan in 2007 to target

the exploitation of children by religious instructors, but this has reportedly not been implemented due to a lack of funding.³⁷⁸⁸ Child labor concerns have been incorporated in the following national development agendas and policy documents: Accelerated Development and Poverty Reduction Strategic Plan (2008-2012) and the draft United Nations Development Assistance Framework Workplan 2009-2013.³⁷⁸⁹

The Ministry of Labor and National Institute of Statistics conducts surveys related to the worst forms of child labor, with the support of partners such as UNICEF and ILO-IPEC. However, Niger does not appear to have published comprehensive data related to the worst forms of child labor since 2000, impeding its ability to appropriately target and prioritize policies and programs.³⁷⁹⁰

Niger also established a National Committee to Combat Forced Labor and Discrimination in 2006. It undertook a pilot study to assess slavery and child labor in preparation for a national action plan; but has not finished developing this plan. The NAP to combat the sexual exploitation of children was adopted by the Government in 2006. Niger has also developed several draft NAPs, which provide overarching, sectoral frameworks, including a NAP for child protection and survival, and a NAP against the trafficking of children. However, these draft plans have not yet been adopted.

During the reporting period 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.³⁷⁹⁴ The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.³⁷⁹⁵ In 2009, the Government of Niger also participated in the launch of the African Union Commission Initiative against Trafficking Campaign, which focuses on ensuring that the fight against trafficking is a priority development goal across the continent. 3796

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

Niger has been delivering social programs, which provide services for children engaged in the worst forms of child labor since at least 2001. For example, the Government has been providing services to street children via the National Committee for Combating the Phenomena of Street Children, under the leadership of the Ministry for the Promotion of Women and Protection of Children.³⁷⁹⁷ As part of this effort, the Ministry of Labor also supports a vocational training program for street children.³⁷⁹⁸ UNICEF is also working with the Government to reduce the number of children working on the street by providing non-formal education to former street vendors.³⁷⁹⁹ Since 2006, Niger has a national unit to target programs to combat begging.³⁸⁰⁰

Additionally, the Government of Niger worked to combat child labor via a French-funded regional project, which ended in December 2009, and included vocational training and apprenticeship programs. 3801 The Government is participating in a 4-year, USDOL-funded regional project that runs through January 2010, to withdraw 1,500 children and prevent 2,500 children from hazardous artisanal gold mining in Niger and Burkina Faso. 3802

The National Commission for Human, Rights and Civil Liberties is gathering information related to customary slavery in Niger, including of children.³⁸⁰³

Across Niger, the scale of social protection programs and services aimed at preventing the worst forms of child labor does not match the scope of the problem, which has been heightened by deepening poverty during the reporting period.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to raise the minimum age for hazardous work to 18 and define the specific hazardous occupations that are illegal for children. Increase the minimum age for compulsory education to at least 14.
- Amend the Penal Code to provide stiffer penalties for all acts of forced labor, including forced begging.
- Enact legislation criminalizing all forms of commercial exploitation of children and providing appropriate penalties.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

• Increase resources to carry out inspections on the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt and implement the updated National Action Plan (NAP) to Combat Child Labor and adopt other relevant draft NAPs, such as those addressing child survival and trafficking in persons.
- Conduct and make publicly available research on the worst forms of child labor.

IN THE AREA OF SOCIAL PROGRAMS:

 Expand programs and increase resources for social programs to prevent and withdraw children from the worst forms of child labor, particularly in agriculture. 3746 Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³⁷⁴⁷ Government of Niger: National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May, 2008, 13.

³⁷⁴⁸ ILO Committee of Experts, *Individual Observation* concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Niger (ratification: 2000), [online] 2008 [cited February 5, 2010]; available from http://www.ilo.org/ilolex/ cgi-lex/pdconv.pl?host=status01&textbase=iloeng&docu ment=10394&chapter=6&query=%28Niger%29+%40ref &highlight=&querytype=bool&context=0. See also ILO-IPEC, Etude transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina Faso, au Mali, et au Niger, December 2009, 5, 11, and 31. See also ILO-IPEC, Child Labour in Salt Mining: The Problem, [online] June 2006 [cited **DATE**, **YEAR**]; available from http://www.ilo.org/ipec/areas/Miningandquarrying/ MoreaboutCLinmining/lang--en/index.htm. See also Ali Ramadan Sekou Maina, Rapport Niger: Etude Transfrontaliere sur le travail des enfants dans le secteur de l'orpaillage traditionnel au Burkina, au Mali et au Niger, ILO-IPEC Research Report, December 2009, 31. See also ILO-IPEC and Government of Niger: National Institute of Statistics, Enquête Base sur le Travail des Enfants sur les Sites d'Orpaillage de Komabangou et M'banga, October 2009, 20.

³⁷⁴⁹ Ali Ramadan Sekou Maina, *Etude Transfrontaliere: Rapport Niger*, 11, 31, and 35.

³⁷⁵⁰ Government of Niger-National Institute of Statistics, *Enquête Pilote sur le Travail des Enfants*, May 2008, 13. See also UNICEF, *Aichatou's story: New skills protect a former street vendor from exploitation in Niger*, [online] November 17, 2008 [cited February 22, 2010]; available from http://www.unicef.org/girlseducation/niger_46412. html?q=printme.

³⁷⁵¹ U.S. Embassy- Niamey, *reporting*, January 26, 2009, section d, para 6. See also U.S. Embassy- Niamey, *reporting*, June 15, 2009, para 3.

³⁷⁵² U.S. Embassy- Niamey, *reporting, June 15, 2009*, para 3.

³⁷⁵³ UNICEF, *UNICEF* and partners aid child labourers and fight trafficking in Niger, [online] June 15, 2007 [cited February 22, 2010]; available from http://www.unicef. org/infobycountry/niger_39997.html?q=printme. See also UNICEF, Aichatou's story: New skills protect a former street vendor from exploitation in Niger.

³⁷⁵⁴ U.S. Embassy - Niamey, *reporting*, February 19, 2009, section b, para 4 and section c, para 4. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1 and 3; available from http://www.worldbank.org/afr/ik/iknt11.pdf.

³⁷⁵⁵ Government of Niger, Strategie de development accelere et de reduction de la pauvrete 2008-2012, Niamey, August 2007, 56. IOM, Traditional Practices Being Abused to Exploit Children in West Africa, Warns IOM, [online] 2006 [cited January 26, 2009]; available from http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007. See also ILO Committee of Experts, Individual Observation C182: Niger (2008). See also Government of Niger, ANDDH, and UNICEF, Rapport de l'etude nationale sur le trafic des personnes au Niger, March, 2005, 10 and 12.

³⁷⁵⁶ U.S. Department of State, "Niger," in *Country Reports* on *Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7c; available from http://www.state.gov/g/drl/rls/hrrpt/2009/af/135969.htm. See also Integrated Regional Information Networks, "NIGER: New slavery study welcomed by human rights experts", IRINnews.org, [online], May 31, 2007 [cited February 22, 2010]; available from http://www.irinnews.org/PrintReport.aspx?ReportId=72487.

³⁷⁵⁷ ILO Committee of Experts, *Individual Observation concerning Forced Labour Convention*, *1930 (No. 29) Niger (ratification: 1961)*, [online] 2008 [cited February 5, 2010], articles 1(1) and 2(1); available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9685&chapter=6&query=%28Niger%29+%40r ef&highlight=&querytype=bool&context=0. See also U.S. Embassy - Niamey, *reporting*, January 10, 2007, paras 1-3.

³⁷⁵⁸ U.S. Department of State, "Niger (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from http://www.state.gov/documents/organization/143188.pdf. See also U.S. Embassy - Niamey, *reporting, February 19, 2009*, para B(4) and C(5).

³⁷⁵⁹ U.S. Embassy- Niamey, *reporting, January 26,* 2009, section d, 11. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008).*

³⁷⁶⁰ UNICEF, *UNICEF* and partners aid child labourers and fight trafficking in Niger. See also U.S. Department of State, "Niger (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 14, 2010; available from http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

³⁷⁶¹ U.S. Embassy - Niamey, *reporting, February 19,* 2009. See also UNICEF, *UNICEF and partners aid child*

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³⁷⁶² U.S. Embassy- Niamey, *reporting, January 26, 2009*, section d, 11.

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³⁷⁶⁷ ILO Committee of Experts, *Individual Direct Request C138: Niger (2008)*.

³⁷⁶⁸ Ibid.]. See also U.S. Department of State, "Country Reports- 2009: Niger," section 6.

³⁷⁶⁹ ILO Committee of Experts, *Individual Observation C182: Niger (2008)*.

³⁷⁷⁰ Government of Niger, *Code du Travail*, article 4.

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³⁷⁷² Government of Niger, *Code Penal*, articles 179-181; available from http://juriniger.lexum.umontreal.ca/juriniger/publication.do?publicationId=814. See also Government of Niger: Ministry of Women's Empowerment and Child Protection, *Initial Report on the Implementation of the Provisions of the African Charter on the Rights and Welfare of the Child*, May, 2008. See also ILO Committee of Experts, *Individual Observation C182: Niger (2008)*, article 3(2). See also U.S. Embassy- Niamey, *reporting*, January 3, 2007.

³⁷⁷³ ILO Committee of Experts, *Individual Observation C182: Niger (2008)*. See also U.S. Embassy -Niamey, *reporting*, June 12, 2009.

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- ³⁷⁸⁷ Ibid. See also U.S. Embassy Niamey, *reporting*, *February 25*, *2010*, section 2(E), para 2.
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