



February 2019

Anti-Slavery International and Timidria submission to the Human Rights Committee, second periodic report of Niger (125th session, March 2019)

1. INTRODUCTION

Anti-Slavery International, in consultative status with ECOSOC since 1950, was set up in 1839 and is the world's leading anti-slavery organisation. Today Anti-Slavery International works to eradicate all contemporary forms of slavery, including bonded labour, forced labour, trafficking in human beings, descent-based slavery, the worst forms of child labour, and forced marriage.

Timidria is a community-based organisation that was established in 1991 to fight against slavery and discrimination of all forms in Niger. It has approximately 350,000 members across Niger. In 2003, Timidria successfully lobbied the State of Niger to amend the Penal Code to define, prohibit and criminalise slavery. Timidria has since then been campaigning for the effective enforcement of the legislation and the provision of socio-economic support to slavery victims. In 2004, Timidria carried out the first research study into the nature and incidence of slavery in Niger and found that descent-based slavery was still practiced in Northern Niger, affecting approximately 43,000 people. Timidria has also been instrumental in bringing the media and public attention to an undocumented form of slavery, the *Wahaya* or 5th wife practice.

This submission to the Human Rights Committee (hereafter the Committee) ahead of its examination of Niger's second periodic report to the International Covenant on Civil and Political Rights (hereafter the Covenant) at the 125th session (4 to 29 March 2019) provides information on:

- **stigma and discrimination against people of slave descent**
- **descent-based slavery**
- the *wahaya* (so-called 5th wife) practice
- **worst forms of child labour in Niger** including **forced child begging of *talibés*** (children who study at residential Quranic schools, *daaras*) and **child domestic work**

It updates the information provided by our organisations in advance of the 123rd session of the Committee in April 2018 and provides supplementary information in response to paragraphs 7, 10, 18, 19, and 24 of the *List of issues in relation to the second periodic report of the Niger* (CCPR/C/NER/Q/2, hereafter the List of Issues). This document is structured in line with the relevant paragraph of the List of Issues.

2. EXECUTIVE SUMMARY

Descent-based slavery is still practised to some degree in Niger. People affected live under the direct control of their masters and are treated as property. They can be rented out, loaned, given as gifts in marriage or inherited by the masters' children. They start work for their masters at a very young age, and work long hours undertaking arduous tasks including drawing water from wells, collecting firewood, cooking, washing clothes, cleaning, caring for the children of their master, grazing animals, and setting up and moving tents. They receive no payment for this work. People in slavery experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters. Children in descent-based slavery have no access to education and no access to leisure and play time.

The *wahaya* practices continues, whereby girls of slave status are sold to be a 5th wife (in addition to the four wives permitted by Islam). A *wahaya* is treated solely as property and is subjected to forced labour and sexual abuse.

Worst forms of forced child labour persist in Niger. *Talibés* (children studying at religious schools, *daaras*, which are not regulated by the State), some as young as five years old, are forced to beg on the street. They experience threats, coercion, violence, poor living standards, malnutrition, and receive a poor standard of education. Child domestic workers are particularly vulnerable to abuse, exploitation and forced labour.

People of slave descent, who no longer live under the direct control of their traditional masters, but are still socially perceived as 'slaves', face widespread stigma and discrimination.. They experience discrimination and exploitation including psychological subordination, land eviction, employment discrimination, disenfranchisement, prohibitions of inter-caste marriages and violence. In addition to food and water scarcity, these communities are generally overlooked by government-run services and poverty alleviation programmes due to their marginalisation and remote location. Most children of slave descent are unable to access education due to factors including unavailability of schools, the discriminatory attitudes of duty-bearers, and semi-nomadic lifestyles. Consequently, children of slave descent, particularly girls, have limited prospects for life, and are vulnerable to exploitation, forced and early marriage, trafficking, and forced labour.

Since the Committee examined Niger's first periodic report in 1993, welcome steps to improve the legal and policy framework on slavery have been undertaken, including the criminalisation of slavery in 2003. The Government recognises the existence of slavery and worst forms of child labour in Niger, alongside discrimination against people of slave descent. It has committed to take action address them, but is constrained by resource, capacity and coordination problems. More action is needed to enforce relevant laws including the 2003 Anti-Slavery Law and the Labour Code; identify and assist victims including ensuring their access to rehabilitation, justice and remedy; prosecute offenders with sentences passed that are proportional to the gravity of the offence; and invest in measures promoting education and economic development for people of slave descent.

3. ANALYSIS

Non-discrimination (arts 2, 7, 24, 25 and 26)

Paragraph 7 of the List of Issues¹

Stigma and discrimination against people of slave descent

There is no official data about the percentage of the population that are of slave descent. However, Timidria estimate that there are around 750,000 people of slave descent in Niger, including 602,650 in Tillabery, 59,492 in Tahoua, 87,127 in Agadez and 9,871 in Maradi.²

Communities of slave descent, who are still socially perceived as ‘slaves’, face widespread stigma and discrimination, and immense challenges. In addition to food and water scarcity, these communities, having never had access to school, are illiterate and economically excluded. They are therefore vulnerable to further abuse and exploitation by local masters, unable to cope with climate crises, and at risk of acute malnutrition and other life-threatening diseases. Communities of slave descent are generally overlooked by government-run services and poverty alleviation programmes due to their political marginalisation, their remote location and government alliances with the religious and political elites among the Tuareg (traditionally slave-owning). Their inherited status of ‘slaves’ make them vulnerable to abuse, exploitation and exclusion, and they remain among the most impoverished and marginalized groups in Niger. The low status of women and girls and constraints imposed by gender roles can exacerbate these problems and make lives outside of slavery highly precarious for women and girls in particular.

For children of slave descent, access to education is their best protection against child labour, slavery, and forced or early marriage, and a vital platform for achieving alternative livelihoods outside of slavery or exploitation in adulthood. However, most children of slave descent are unable to access education due to a range of factors including the unavailability of schools and discriminatory attitudes by the authorities. Semi-nomadic lifestyles compound these impediments. The access of rural children, especially girls, to secondary education is especially problematic because of the long distances and associated costs. Consequently, children of slave descent have limited prospects for life and are vulnerable to exploitation, forced labour, and forced and early marriage and forcible recruitment by terrorist groups.

In its response to the List of Issues, the Government reports that it has acted on the recommendations of the Special Rapporteur on contemporary forms of slavery to put an end to discrimination against former slaves and their descendants, though has yet to establish a compensation fund for victims. The Government also reports that it is considering amending the Criminal Code to take account of descent-based slavery in order to put an end to discrimination against former slaves and their descents.³ We welcome these commitments and urge the Government to put in place a compensation fund for victims, and amend the Criminal Code to recognise discrimination based on the ‘slave’ status. We further recommend that the Government invest further in measures to promote education and economic development for people of slave descent.

¹ CCPR/C/NER/Q/2, paragraph 7: ... Please also describe all measures taken to implement the recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (see A/HRC/30/35/Add.1) to put an end to discrimination against former slaves and their descendants.

² http://www.antislavery.org/wp-content/uploads/2017/01/full_french_slavery_in_niger.pdf

³ CCPR/C/NER/Q/2/Add.1, Replies of the Niger to the list of issues, Paragraph 56

RECOMMENDATIONS

- Ensure socio-economic empowerment of people of slave descent through the provision of education, skills development and assistance with alternative livelihoods. Human rights and gender-based perspectives need to be part of all poverty reduction and development programmes and strategies, and the specific situation of those most vulnerable, including children of slave descent, need to be taken into account.
- Revise the land tenure legislation to enable the descendants of slaves to become the rightful owners of the lands they have cleared and cultivated for generations.
- Take urgent steps to ensure that children of slave descent can access education, through building more primary schools in communities formed by former slaves and ensuring the timely and adequate supply of food to these schools.
- Improve access to secondary education by children of slave descent, including the construction of more secondary schools in nomadic areas or the provision of bursaries to those who have had to leave their family to pursue their education in urban centres.

Violence against women, harmful practices and *wahaya* (arts 2, 3, 6, 7, 8 and 26)

Paragraph 10 of the List of Issues⁴

The *Wahaya* practice

The *Wahaya* practice continues, whereby girls of slave status are sold to be a 5th wife (in addition to the four wives permitted by Islam). No actual marriage takes place and a *wahaya* has none of the legal rights of a wife. A *wahaya* is treated solely as property. *Wahaya* are forced to work without pay, never allowed to leave the family's home apart from to work in their master's fields or take livestock to pasture. *Wahaya* not only face regular rape and physical abuse from their master, but are constantly mistreated by the legitimate wives, who view *wahaya* and any children they bear as competition to their own interests.

It is not known how many girls continue to be affected by this practice. In its response to the List of Issues, the Government reports that up to date estimates of the number of *wahayu* are not available⁵. The absence of data and awareness of the extent of the numbers affected highlights an important obstacle to the ability of the Government to design and implement policies and programmes to tackle the *wahaya* practice.

Prosecutions for engaging in *wahaya* practice in Niger have been rare. Anti-Slavery International and Timidria are aware of only one conviction for *wahaya* as a crime of slavery: on 26 May 2014 the Assize Court of Birni N'Konni sentenced a 63-year-old perpetrator to four years in prison and a fine of 250,000 CFA francs. The court took account of the marriage between the parties subsequent to the initiation of the charges as a mitigating factor, as well as the victim's failure to file a civil action. It also reduced the accused's sentence for time served awaiting trial, a decision that was perceived as condoning the crime.

⁴ CCPR/C/NER/Q/2, paragraph 10: In light of paragraphs 92 and 93 of the State party's report, please provide further information on the practice of *wahaya* in the State party's territory and, in particular: (a) an updated estimate of the number of *wahayu*, (a) an updated estimate of the number of *wahayu*; (b) all measures designed to put an end to the practice of taking a *wahaya*; (c) the steps envisaged to criminalize specifically this practice; (d) the number of complaints, prosecutions and convictions relating to the practice; and (e) efforts undertaken to provide measures of rehabilitation and redress for *wahayu*.

⁵ CCPR/C/NER/Q/2/Add.1, Replies of the Niger to the list of issues, paragraph 73

The Government reports to the Committee that the practice of *wahaya* is punishable under article 270.2 of the Criminal Code and article 10 of the Ordinance No. 2010-086 of 16 December 2010 on combatting trafficking in persons⁶. In line with the 1956 Supplementary Slavery Convention's prohibition of servile marriage as a slavery practice, Anti-Slavery International and Timidria believe that Niger's 2003 Anti-Slavery Law should be amended to include explicit mention of the *wahaya* practice as a form of slavery.

In 2018, the Committee on the Rights of the Child expressed its concern "...about the practice of selling girls of slave status and Wahaya or 5th wife, in which they are treated as property, forced to work for their master and his family as well as sexual exploited."⁷ It urged "...the State party to eradicate the cases of sale of girls as Wahaya, including by prosecuting and imposing harsh sentences on those who are involved in selling and buying girls."⁸

RECOMMENDATIONS

- Fully enforce laws against slavery and prosecute those responsible for selling and buying girls to serve as *wahaya* or '5th wives'. Those convicted should receive sentences that are commensurate with the crime and act as a deterrent.
- Amend the 2003 anti-slavery law to make explicit mention of the *wahaya* practice as a slavery crime.
- Identify and release girls who have been sold to be *wahaya* and ensure that they are able to access adequate support including housing, medical care, economic rehabilitation measures, and access their right to justice and remedy including compensation.
- Fully implement the Concluding Observations of the Committee on the Rights of the Child, 2018.

Slavery, forced labour and trafficking (arts 6, 7, 8, and 24)

Paragraph 18 of the List of Issues⁹

Descent-based slavery

1. Persistence of descent-based slavery

Despite the criminalisation of slavery in 2003, descent-based slavery persists to some degree in Niger and those affected are born into slavery and treated as property by their masters. They can be rented out, loaned, given as gifts in marriage or inherited by the masters' children. They start work for their masters at a very young age, and work long hours undertaking arduous tasks including drawing water from wells, collecting firewood, cooking, washing clothes, cleaning, caring for the children of their

⁶ CCPR/C/NER/Q/2/Add.1, Replies of the Niger to the list of issues, paragraph 73

⁷ Committee on the Rights of the Child, *Concluding observations on the report submitted by the Niger under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, CRC/C/OPSC/NER/CO/1, paragraph 17

⁸ *Ibid.*, paragraph 18

⁹ CCPR/C/NER/Q/2, paragraph 18. In the light of paragraphs 86 ff. of the report, please provide further information on measures designed to enforce the legislative framework prohibiting slavery, which continues to exist, particularly among some ethnic groups. Please describe all measures to implement the recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (see A/HRC/30/35/Add.1). In particular, please provide information on: (a) all measures to establish the number of people forced into slavery in the territory of the State party; (b) the number of prosecutions brought and convictions and sentences handed down on the basis of articles 270 ff. of the Criminal Code; (c) the compensation received by victims and rehabilitation measures envisaged; (d) measures to raise awareness of legislation on the prohibition of slavery, particularly among the judicial and security authorities; and (e) all measures designed to encourage victims who fear reprisals to file complaints.

master, grazing animals, and setting up and moving tents. People in slavery experience systematic verbal and physical abuse, and girls and women are often sexually abused and raped by their masters. Children in descent-based slavery have no access to education and no access to leisure and play time.

There is an absence of statistical data on the numbers of people who continue to live in slavery today, owned by their master and treated as property. Although now affecting much lower numbers compared to twenty years ago, the practice exists across the country, both in rural and urban areas. It is practised predominantly by the Tuareg, Maure, Zarma, Songhai and Peulh (also known as Pulaar and Fulani) ethnic groups, with the Tuaregs most affected by slavery. The regions of Tillabéri, Tahoua, Maradi and Agadez have the highest numbers of people in descent-based slavery.

In 2018, the Committee on the Rights of the Child stated it "...is deeply concerned about the reports of a continuing practice of descent based slavery of children whereby children are treated as a property of their master and can be rented out, loaned, given as a gift and inherited by their masters' children. It is also concerned that the prosecution of slavery cases is limited and penalties are mild and that customary laws that coexist with national laws are discriminatory against people of slave descent."¹⁰ It urged the State party "...to take all the necessary measures to eradicate all forms of slavery within the State party and, in particular, to ensure that perpetrators of such practices are systematically prosecuted in courts in accordance with the law" and "to adopt a national plan of action to combat slavery, including effective measures to free victims of traditional slavery practices, and provide children with rehabilitation, psychological recovery and assistance to be reintegrated into their families, as well as awareness-raising campaigns on the provisions of the law against slavery."¹¹

2. Obstacles to the eradication of descent-based slavery

The Government of Niger is committed to the eradication of slavery and slavery-like practices. It has taken important measures to improve the legal and policy framework since the examination of its first periodic report in 1993 and has expressed political will at the highest level to tackling slavery. In the Government's response to paragraph 18 of the List of Issues, it states that a number of measures have been taken to implement the recommendations of the Special Rapporteur on contemporary forms of slavery including: research carried out by the National Agency for the Fight against Trafficking in Persons and Migrant Smuggling; a public conference on the manner in which slavery and related offences are handled by the Courts; a guide for the identification, referral and care of victims of trafficking in persons; public awareness raising measures, and a study of the prevalence of slavery and similar practices in the Tahoua region which is currently underway.¹²

However, despite progress, notable obstacles persist in the Government's response to slavery and slavery like practices, including poor enforcement of the Anti-Slavery Law and the Labour Code; the co-existence of customary law and national law; an absence of state measures to identify, release and rehabilitate victims; and insufficient resourcing and coordination for anti-slavery measures.

Poor enforcement of law

While the 2003 Anti-Slavery Law is comprehensive, implementation has been poor. The number of prosecutions has been very limited. Only a few dozen slavery cases have reached domestic courts and tribunals, all brought by civil society organisations. We are aware of only five successful prosecutions

¹⁰ Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Niger*, CRC/C/NER/CO/3-5, paragraph 20

¹¹ *Ibid.*, paragraph 21

¹² CCPR/C/NER/Q/2/Add.1, Replies of the Niger to the list of issues, paragraph 117

under the Anti-Slavery Law.¹³ These include two convictions for the crime of slavery, which carries a minimum sentence of ten years imprisonment and a maximum of 30 years imprisonment, and three convictions for the lesser charge of offence of slavery and ethnic discrimination, which carries a five to 10-year prison sentence. However, the sentences passed in these cases were not proportional to the offence nor in line with the minimum sentencing in the law; sentences of only four years and one year imprisonment respectively for the crime of slavery convictions, despite the fact that the minimum sentence is ten years imprisonment; and sentences ranging from six months suspended to one year suspended in the cases of conviction for offence of slavery and ethnic discrimination:

- In 2014, in the *case of Timidria v. Elhadji Jadi Razikou*, Birni N’Konni court (South-West Niger) convicted the 63-year-old accused of the crime of slavery (the victim in this case had been subjected to the *wahaya* form of slavery) but accorded him mitigating circumstances on the basis of his age and that he admitted and regretted his acts. He was sentenced to four years imprisonment and a fine of 250,000 CFA (US\$446)¹⁴ and the civil party who brought the case (Timidria) was awarded 500,000 CFA (US\$892) for damages and interests.
- In the *case of Issibite Wanagoda and family & Timidria v. Tafane Abouzeidi*, a family subjected to slavery and acts of torture had managed to escape in 2004. In 2008, courts ruled that their master was guilty of the crime of slavery and sentenced him to one year in prison and a fine of 100,000 CFA (US\$178), as well as damages to the victims. However, he was acquitted on appeal in 2009. A lengthy appeal process then ensued and the original conviction on crime of slavery was finally upheld in May 2014.
- In *Halidou Soumaila, Issoufou Adamou and Timidria v. Ousmane Dangana, Daouda Ali New (2012)*, Ousmane Dangana (a marabout) was convicted of offence of slavery and ethnic discrimination, with accumulated infractions in 2012. He was given a six-month suspended sentence and a 20,000 CFA fine (US\$35), plus he was ordered to pay 100,000 CFA (US\$178) to each of the plaintiffs. He also had to pay a nominal sum (1 franc) to Timidria, who also acted as a plaintiff.
- In *Dame Ilinsar Nee Haoulata Ibrahim et Timidria C./ Seidimou Hiyar*: Conviction on 27 November 2006 for offence of slavery. The Court of Appeal sentenced the accused to 2 years’ imprisonment, including 18 months suspended.
- In *Hadijatou Mani and Ministere Public C/ Elh. Souleymane Naroua*: Conviction for offence of slavery on 31 March 2009 by the Tribunal Correctionnel of Konni. The accused, Souleymane Naroua, was sentenced to one year’ imprisonment and ordered to pay 1 million CFA (US\$1785) in restitution to Hadijatou Mani; the prison sentence was turned into a suspended sentence on 7 July 2009.

In 2018 Anti-Slavery International and Timidria lodged a new legal complaint in the case of a woman who was born into slavery and subsequently given away by her ‘master’ to his relative in Burkina Faso. There she was subjected to years of forced labour and repeated rape by the ‘master’, his family and friends. In February 2018, her brother and Uncle located her in Burkina Faso and managed to bring her back to Niger with four of her children, while her two other children remain missing having been themselves given away as gifts to her master’s relatives once they were old enough to work. In March, the two slave owners were interrogated by the judicial police and the case was referred to the Prosecutors Office. Regrettably, the Prosecutor has taken the decision to prosecute the slave owner under the lesser charge of ‘offence of slavery’, despite the fact that the victim had been in slavery since birth.

The coexistence of national law and customary law

¹³ This does not exclude the possibility that there have been other convictions

¹⁴ All currency conversions as of July 2018

Challenges for the effective implementation of the Anti-Slavery Law and justice for victims of descent-based slavery include the influence of traditional chiefs and social hierarchies on judges' decisions, and the coexistence of national law and customary law since customary law appears to discriminate against people of slave descent. Communities of slave descent are also largely unaware of their rights and very wary of the justice system which they perceive to be in the hands of the slave-owning classes and heavily skewed against them. Given the nature of descent-based slavery which is practiced in Niger, there is a strong need for rights awareness training among communities affected by slavery, which is currently lacking.

An absence of measures to identify, protect, and rehabilitate victims

There is an absence of state programmes and policies regarding the identification of victims of slavery. Furthermore, those affected often live in remote rural areas, where not only their identification poses a challenge, but their access to justice faces financial obstacles, such as the need for transport and limited access to legal aid and advice, as well as challenges posed by poor knowledge of laws and policies relating to slavery, and knowledge of legal procedures.

Victims of slavery do not have access to adequate rehabilitation and reintegration measures. The absence of effective state programmes and policies to provide socio-economic support to victims emerging from slavery is a huge challenge. While local organisations seek to fill this gap, and provide assistance to victims, albeit with limited resources, there is a real risk of destitution for those leaving slavery, which makes them hugely vulnerable to further exploitation.

Insufficient resourcing and coordination for anti-slavery measures

Resourcing for the implementation of anti-slavery law, policy and programmatic measures is a significant problem. Niger is one of the poorest countries in the world. It is consistently ranked at the very bottom of the Human Development Index (it holds the lowest rank of 188 countries since 2011).

The National Agency for Combatting Trafficking in Persons (ANLTP) is the Government's permanent implementing body to address trafficking in persons and is responsible for implementing the National Action Plan on Combatting Human Trafficking. It is struggling with resources, and the Head of the Agency is the only paid member of staff. Despite this, it has undertaken some work including training for judges and law enforcement officials on the Anti-Trafficking law. Although the mandate of ANLTP was originally broad enough to include a range of human rights violations including descent-based slavery and forced child begging, it is now almost exclusively focusing on migration issues because of the strategic priorities set by the donor community, particularly the EU. Civil society organisations are therefore concerned that due to migration being the priority of the donor community, slavery and slavery-related issues are being relegated to a lower priority, despite their prevalence and severity. The National Coordination Commission for Combatting Trafficking in Persons (CNCLTP), established by decree in 2012, is the coordinating body for the Government's anti-trafficking efforts and is responsible for establishing the priorities of the anti-trafficking work. However, it only has two paid members of staff and is doing very little due to a lack of resources.

The challenges posed by a lack of data

There is an absence of official data regarding the nature and extent of slavery and slavery-like practices including descent-based slavery, the *wahaya* practice, and forms of worst child labour in the Niger. This absence of data poses a significant challenge in the ability of the Government to design and implement policies and programmes to tackle these problems. We welcome the information in the List of Issues that the government is carrying out a study of the prevalence of slavery and similar practices

in the Tahoua region, and recommend that this study be rolled out on a national basis, in cooperation with the ILO and expert civil society organisations.

3. RECOMMENDATIONS

- Conduct a nationwide study on the prevalence of slavery and slavery like practices, including forced child labour, in cooperation with national and international stakeholders, including the ILO, expert civil society organisations, and the donor community.
- Strictly enforce the anti-slavery law, ensuring prosecution of perpetrators with sentences that are commensurate with the crime and act as a deterrent, and ensure effective access to justice for child victims of slavery.
- Put in place a national strategy and action plan on the eradication of slavery and slavery like practices and descent-based discrimination.
- Create an adequately funded high-level multi-stakeholder coordination mechanism tasked with monitoring the implementation of anti-slavery strategy and action plan; enforcing anti-slavery legislation, programmes and policies; and tackling its root causes.
- Identify, release and rehabilitate victims of slavery and slavery-like practices. This should include their prompt access to safe shelter, family reunification where relevant, and rehabilitation assistance including medical and psychological support and financial compensation.
- Ensure the proper resourcing of the relevant implementing agencies for anti-slavery and anti-trafficking laws, policies and programmes.
- Fully implement the recommendations of the Committee on the Rights of the Child (2018); the recommendations on addressing slavery that enjoyed the support of the Government at its second cycle Universal Periodic Review (2016); and the Special Rapporteur on contemporary forms of slavery (2014).

Paragraph 19 of the List of Issues¹⁵

Worst forms of child labour in Niger

A number of worst forms of child labour persist in the Niger. Forced begging of *talibé* children is widespread. The situation of many child domestic workers meets the definition of a worst form of child labour.

In 2018, the Committee on the Rights of the Child expressed its serious concern "...that despite the State party's efforts, child labour continues to be widespread, including in quarries and gold mines. The Committee is particularly concerned about the forced begging by *talibé* children under the guardianship of Koranic schools and about child domestic workers who are exposed to long hours of

¹⁵ CCPR/C/NER/Q/2, Paragraph 19 : Please describe all measures designed to end the subjection of children to the worst forms of child labour, particularly forced domestic labour, agricultural and domestic work, and work in artisanal gold mines, quarries and salt and gypsum mines. In particular, please indicate the number of prosecutions brought and convictions and sentences handed down in relation to the worst forms of child labour, and the rehabilitation measures provided to victims. In the light of Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons: please provide information on: (a) the mandate and budget of the National Commission to Coordinate the Fight against Trafficking in Persons and the National Agency to Combat Trafficking in Persons, and the activities that they carry out; (b) the number of complaints recorded, investigations undertaken and the outcomes of such investigations, since the entry into force of the Ordinance; (c) the number of victims identified since the entry into force of the Ordinance; and (d) the measures taken to raise awareness of the Ordinance. Please specify the measures taken to provide care, compensation and rehabilitation for victims.

work without any rest day and little pay. Such children are often subjected to physical, verbal and sometimes sexual abuse.¹⁶

1. Forced child begging of *talibés*

Talibés as young as five years old, are forced to beg on the streets. They are at risk of violence on the streets; vulnerable to trafficking, exploitation, abduction and sexual abuse by strangers; and road traffic accidents causing injury or even death are common. They experience regular physical abuse, emotional abuse, and other forms of threats and coercion to meet their financial ‘quota’ from begging. Many of the students come from neighbouring countries, mostly from the Gambia and Mali. Separated from their families for long periods, they live in crowded and unhygienic conditions, and are vulnerable to disease and malnutrition. Those fleeing mistreatment often end up living on the streets. Due to the very limited education provided at the *daaras*, *talibés* leave the *daara* poorly educated and socially ill-equipped for future life. Despite this, the *daara* system is a highly regarded tradition within Niger, widely accepted by society which still largely fails to appreciate the depth and prevalence of violence, coercion and neglect experienced by residential *talibés*.

There is no official data on the number of *talibés* forced to beg in Niger. Child begging is very visible in the country’s urban centres, which indicates high levels. Civil society organisations believe that about 50% of children begging on the street are *talibés*. The rest are probably exploited by their own families, criminal gangs or their peers. The initial findings of research conducted by Anti-Slavery International, which is due to be finalised and published later this year, indicated that the numbers of *talibés* forced to beg in Niger is around 76,000.

2. Child domestic workers in situations of forced labour and trafficking

Child domestic workers are particularly vulnerable to abuse, exploitation and forced labour. The vast majority are girls, who work in private homes undertaking a range of tasks such as cooking, cleaning, laundry, ironing, and caring for young children and the elderly. They are often subjected to work which is hazardous and harmful to their health, safety and development: using electrical equipment, machinery, chemicals and other hazardous materials, often without training or equipment; and performing skilled tasks such as childcare or caring for the elderly with minimal training. Child domestic workers struggle with multiple demands and constant responsibilities. They work long hours, often without any rest days, for little or no pay. Working and living in the home of their employer, child domestic workers are often isolated from their families and opportunities to make friends, under the total control of their employers, and deprived of opportunities for education. Physical, verbal, and sometimes sexual, abuse is common. Some child domestic workers are trafficked.

There is limited recent data available on child domestic work in Niger. The 2009 national survey on child labour in the Niger showed that most economically active children are engaged in domestic work (58.2 per cent), with the percentage even higher for children between the ages of 5 and 11 (65.5 per cent).¹⁷ The hiring of a child domestic worker is a widespread and socially accepted practice. Those employed in domestic work are mainly girls from rural areas within the country who go to cities to escape poverty, but girls from neighbouring countries (Benin, Mali and Togo) are also involved.

3. Obstacles to the eradication of worst forms of child labour in Niger

¹⁶ Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Niger*, CRC/C/NER/CO/3-5, paragraph 43

¹⁷ National Statistics Institute and ILO, *Rapport de L’Enquête nationale sur le travail des enfants au Niger de 2009* (Niamey, 2011)

As outlined in the above section on descent-based slavery, Government action to tackle the worst forms of child labour is similarly hampered by poor enforcement of national laws; an absence of state mechanisms to identify, protect and rehabilitate victims of the worst forms of child labour; a lack of data on nature and extent of worst forms of child labour in the country; and lack of resourcing and coordination of the relevant mechanisms and agencies.

In its 2018 Concluding Observations, the Committee on the Rights of the Child stated that it “remains concerned that efforts made by the State party are insufficient, in particular in relation to children in slavery, including talibe children and Wahaya girls (fifth wife), children in streets situations...children in forced labour...In this regard, the Committee regrets the absence of identification mechanisms and targeted services aimed at preventing children in vulnerable and marginalised situations from becoming victims of offences under the Optional Protocol.”¹⁸

The Committee on the Rights of the Child outlined a number of measures that the Government should take to address the persistence of worst forms of child labour in Niger, including forced begging of *talibés* and child domestic work. These included, amongst others, to enforce national law and implement its plans of action prohibiting child labour and allocate sufficient human, technical and financial resources for such purposes; eradicate the practice of forced begging of talibe children and bring perpetrators to justice; strictly regulate and enforce the law with regard to domestic work by children; undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of its root causes and magnitude;¹⁹ to develop sensitisation programmes in collaboration with traditional and religious leaders and parents to eliminate the practice of Marabouts sending children to beg in the street, and we urge the Government to fully implement these.²⁰

4. RECOMMENDATIONS

- Fully implement the recommendations of the Committee on the Rights of the Child, 2018, on measures required to tackle the worst forms of child labour, particularly children in descent slavery, *wahaya*, *talibé* children forced to beg, and vulnerable child domestic workers.

On forced begging of talibé children:

- Publicly condemn the practice of forced child begging of *talibés* and develop programmes and policies to reform the Quranic school system in line with the principles of child rights and child protection.
- Conduct a national study to determine the nature, prevalence, and causes of forced child begging in Niger.
- Identify *talibés* who are being forced to beg, remove them from harm, and ensure that they are offered rehabilitative care appropriate to their needs.
- Strictly enforce laws relating to forced child begging, which is a worst form of child labour, and ensure that those who exploit children in this way, whoever they may be, are prosecuted and subject to sentences that are commensurate with the crime.
- Provide training for police and other officials who may come into contact with child beggars on national law relating to forced child begging, child protection issues and the differing experiences of children forced to beg.
- Develop strategies to prevent forced child begging that deal with the root causes, including poverty and the lack of access to good quality, affordable state-run education. Measures need to be taken to improve life in the communities of origin so that children from poor backgrounds can stay at home with

¹⁸ Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Niger*, CRC/C/NER/CO/3-5, paragraph 15

¹⁹ *Ibid.*, paragraph 44

²⁰ *Ibid.*, paragraph 45

their families and receive a more rounded education to equip them better for adult life without being sent out to beg.

On child domestic workers:

- Identify, remove, rehabilitate and reintegrate child domestic workers who are in situations of abuse and exploitation, and ensure their access to legal redress.
- Raise public awareness about the risks associated with child domestic work. Particularly, that child labour prevents children from taking better opportunities for their lives.
- Ensure that the education system is accessible for, and responsive to, the specific needs of working children including child domestic workers
- Ratify and implement ILO Convention No. 189 on Decent Work for Domestic Workers and raise public awareness about the risks associated with child domestic work.

Protection of children (art 24)

Paragraph 24 of the List of Issues²¹

Forced child begging of *talibés*

As highlighted in the previous section, forced child begging of *talibés* (children studying at religious schools, *daaras*, which are not regulated by the State), some as young as five years old, is widespread in Niger. *Talibés* experience threats, coercion, violence, poor living standards, malnutrition, and receive a poor standard of education.

The Government is not taking sufficient action to identify, protect and rehabilitate *talibés* who are forced to beg, nor to enforce the legal framework relevant to forced child begging and ensure the prosecution of perpetrators. In 2018, the Committee on the Rights of the Child urged the State party to “Explicitly prohibit corporal punishment by law in all settings including in the home and in Koranic schools, and ensure that those laws are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;”²² and “(f) Take appropriate measures to address ill-treatment of children in Koranic schools and prosecute perpetrators in accordance with the criminal law.”²³

RECOMMENDATIONS

- Fully implement the extensive recommendations of the Committee on the Rights of the Child, 2018, on the issue of forced begging of *talibés*.
- Publicly condemn the practice of forced child begging of *talibés* and develop programmes and policies to reform the Quranic school system in line with the principles of child rights and child protection.
- Identify *talibés* who are being forced to beg, remove them from harm, and ensure that they are offered rehabilitative care appropriate to their needs.
- Strictly enforce laws relating to forced child begging, which is a worst form of child labour, and ensure that those who exploit children in this way, whoever they may be, are prosecuted and subject to sentences that are commensurate with the crime.

²¹ CCPR/C/NER/Q/2, Paragraph 24: Please indicate whether the State party intends to prohibit the corporal punishment of children in all settings. In this regard, please specify the measures taken to ensure that there is no violence against children in Qur’anic schools.

²² Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Niger*, CRC/C/NER/CO/3-5, paragraph 22(a)

²³ *Ibid.*, paragraph 22 (f)