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# JOINT SUBMISSION FOR THE UNIVERSAL PERIODIC REVIEW OF NIGER

38<sup>TH</sup> SESSION, APRIL-MAY 2021

## INTRODUCTION

1. This is a joint submission by Anti-Slavery International, ANTD (Association Nigérienne pour le traitement de la délinquance et la prévention du crime), and Timidria.
2. This submission focuses on:
  - Descent-based slavery, affecting adults and children
  - The impact of Covid-19 on slavery
  - Discrimination against people of slave descent
  - Access to education for children of slave descent
  - Worst forms of child labour, including forced child begging of *talibés* (children who study at traditional residential Quranic schools also known as *Makarata* or *Doudal* in Niger), children in descent-based slavery, and of child domestic workers
  - The *wahaya* (so-called 5<sup>th</sup> wife) practice

# EXECUTIVE SUMMARY

3. **Descent-based slavery**, where people are born into slavery and live under the direct control of their 'masters', and are treated as property, is still practiced to some degree in Niger. People affected receive no payment for their work, and experience verbal and physical violence, **Children born into descent-based slavery** start work for their masters at a very young age, work long hours undertaking arduous tasks for no pay, and have no access to education. Girls and women are often sexually abused and raped by their 'masters'.
4. **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 face immense challenges in access to land, marriage, employment, government run-services, and education for their children.
5. **Worst forms of forced child labour** persist in Niger. **Forced child begging of talibés<sup>i</sup>** remains widespread, affecting at least 76,000 children, mainly boys aged six to 17, who beg on the streets for nearly nine hours a day. *Talibe* children forced to beg on the streets experience threats and coercion, violence, crowded and unhygienic living conditions, malnutrition, and receive a poor standard of education. **Child domestic workers** face abuse, exploitation and forced labour.
6. The **wahaya practice** continues, whereby girls of slave status are sold to be a 5<sup>th</sup> wife (in addition to the four wives permitted by Islam) and are subjected to forced labour and sexual abuse.

## The Government response:

7. The Government recognises the existence of slavery and worst forms of child labour in Niger, alongside discrimination against people of slave descent, and has committed to take action to address them. It supported second cycle Universal Periodic Review recommendations on measures to combat slavery,<sup>ii</sup> the worst forms of child labour including forced child begging<sup>iii</sup>, and to end the *wahaya* practice.<sup>iv</sup>
8. However, implementation of the 2003 Anti-Slavery Law and other relevant laws has been poor, with few prosecutions brought, and there are not sufficient measures to identify, release and rehabilitate victims and ensure their access to justice and remedy and sustainable freedom.

## RECOMMENDATIONS:

9. More action is needed by the Government, which is constrained by resource and capacity issues, to eradicate descent-based slavery and the worst forms of child labour, and end discrimination against people of slave descent. Including: full enforcement of the 2003 Anti-Slavery Law and the Labour Code; to identify and assist victims and ensure their access to rehabilitation, reintegration, justice and remedy; to prosecute offenders with sentences passed that are proportional to the gravity of the offence. The Government should invest in measures promoting education and economic development for people of slave descent, including access to education for children. The Government should publicly condemn the practice of forced 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. It should fully implement the recommendations of the Committee on the Rights of the Child (2018) and the Human Rights Committee (2019) on these issues.

# ***THEME: PROHIBITION OF SLAVERY, TRAFFICKING***

## **DESCENT-BASED SLAVERY**

10. Despite the criminalisation of slavery in 2003, descent-based slavery persists to some degree in Niger. 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 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, leisure and play time.
11. There is an absence of statistical data on the numbers of people who continue to live in descent-based 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.
12. The Global Slavery Index 2018 estimated that 133,000 people in Niger were living in forms of modern slavery, covering forced labour and forced marriage.<sup>v</sup>

### **Obstacles to the eradication of descent-based slavery**

13. The Government of Niger has expressed political will at the highest level to tackling slavery. It is working with the International Labour Organization as part of the "ILO Bridge project" to tackle traditional slavery practices and forced labour. In response to campaigning, the Government agreed to establish a National Mobilisation Day against Slavery and Human Trafficking, to be held annually on the 28 September. In 2020, the theme for the National Day was 'the gaps in the legal and institutional framework to tackle forced child labour and begging'.
14. However, despite progress, notable obstacles persist in the Government's response to slavery, 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. The Government's response to slavery is constrained by resource and capacity issues, as well as a challenging and degrading security context, and pressure from the EU to curb migration.
15. In 2019, the Human Rights Committee noted "...with concern the persistence of the practice of slavery. It is also concerned at the low rate of application of the above-mentioned legal

provisions, with only five prosecutions reported, two of which are said to have led to convictions. The Committee is further concerned that the penalties imposed in both cases were not commensurate with the seriousness of the crime of slavery. The Committee regrets the lack of available information on the extent of slavery based on descent, including child slavery, forced labour, forced begging and trafficking in persons. The Committee also regrets the limited resources allocated to combating these practices and rehabilitating victims (arts. 8 and 24).<sup>vi</sup>

16. The Human Rights Committee urged the State party to “...continue its efforts, in particular to: (a) ensure the collection of statistical data disaggregated by age, sex and origin of victims; (b) ensure that the legislation criminalizing slavery and trafficking in persons is disseminated and that individuals seeking justice, as well as the police, prosecutors and judges, are made aware of it; (c) strengthen its institutional mechanisms in terms of financial and human resources, in particular the National Agency to Combat Trafficking in Persons; (d) ensure that all cases of slavery and trafficking in persons, including those involving children, are systematically investigated and that suspected perpetrators are prosecuted under the relevant criminal legislation and, if found guilty, given sentences commensurate with the seriousness of the crimes; and (e) take all measures to ensure that victims are provided with medical, psychological, social and legal assistance for their full rehabilitation.”<sup>vii</sup>

#### Poor enforcement of law

17. While the 2003 Anti-Slavery Law is comprehensive, implementation has been poor. The judicial system suffers from extreme delays and the number of prosecutions has been very limited. Slavery is often punished as a minor offence instead of being recognised and treated as a serious crime by the Courts.
18. 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 under the Anti-Slavery Law.<sup>viii</sup> These include convictions in two cases<sup>ix</sup> for the crime of slavery, and convictions in three cases for the lesser charge of offence of slavery and ethnic discrimination.
19. While the Anti-Slavery law carries a minimum sentence of ten years imprisonment and a maximum of 30 years imprisonment, sentences passed are not in line with the law and do not reflect the gravity of the offence. The two convictions for the charge of slavery instead saw sentences of only four years and one-year imprisonment respectively imposed. The convictions on the lesser charge of offence of slavery and ethnic discrimination saw sentences ranging from six months suspended to one year suspended, despite the provision in law of a five to 10-year prison sentence. There is a lack of clear and coherent mechanisms to revise judicial rulings.
20. 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 March, the two slave owners were interrogated by the judicial police and the case was referred to the Prosecutors Office. Regrettably, the Prosecutor took the decision to prosecute the case under the lesser charge of ‘offence of slavery’, despite the fact that the victim had been in slavery since birth. In 2020, our two organisations lodged two further legal cases for slavery crimes in the district courts of Kollo and Ouallam.

### **Barriers to implementation of law and access to justice**

21. There is an absence of state programmes and policies regarding the identification of victims of slavery. Further, those affected often live in remote rural areas, making identification more difficult. They face financial obstacles in accessing justice such as the need for transport, as well as limited access to legal aid and advice.
22. 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. Many people emerging from slavery are unwilling to seek the prosecution of their former 'masters' out of fear of retaliation and desire to leave the past behind and avoid a process that could be re-traumatising.
23. Those who do attempt to seek justice experience a legal system where progress remains extremely slow, and battle corruption and dissuasion. This leads victims to lose interest in their cases, to drop charges, to lose faith in the legal system and to not pursue the legal remedies available to them. It maintains a culture of impunity for the slave-owning elite.
24. Further challenges include the influence of traditional chiefs and social hierarchies on judges' decisions, and the coexistence of national law and customary law. Often it is the customary courts who deal with cases related to slavery, yet customary law appears to discriminate against people of slave descent.

### **An absence of comprehensive victim support and rehabilitation**

25. 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 civil society 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**

26. Niger is one of the poorest countries in the world and resourcing for the implementation of anti-slavery law, policy and programmatic measures is a significant problem.
27. 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 human and financial resources. Although the mandate of ANLTP was originally broad enough to include a range of human rights violations including descent-based slavery, it is now almost exclusively focusing on migration issues because of the strategic priorities set by the donor community, particularly the EU.

28. 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. It is also struggling with low human and financial resources.

## **29. 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.
- Put in place a national strategy and action plan on the eradication of slavery and slavery like practices and descent-based discrimination.
- 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 and coordination of the relevant implementing agencies for anti-slavery and anti-trafficking laws, policies, and programmes.

## **THE IMPACT OF COVID-19 ON SLAVERY**

30. People in slavery and vulnerable to slavery have been disproportionately affected by Covid-19. They have experienced food scarcity; lack of access to healthcare, sanitation, and hygiene measures; inability to access information and services; and loss of work and income. Informal sector activities have been particularly badly impacted, threatening livelihoods. Vulnerability to exploitation, trafficking, forced labour, child labour and child marriage have significantly increased as a result of the pandemic's economic and labour market shocks. Government measures to combat slavery have been disrupted due to measures in place to counter the spread of Covid-19 such as social distancing and lockdown measures, bans and restrictions on gatherings, school closures, and the closure of large segments of the judicial system. These measures have also disrupted the ability of civil society organisations to operate.

## **31. RECOMMENDATIONS**

- Ensure that responses to Covid-19 include and reach people in slavery and slavery-vulnerable communities, including social and financial protection measures, and are informed by the voices of affected communities and survivors.
- National anti-slavery measures to continue to function during the pandemic, including the functioning of the judicial system.

## ***THEME: NON-DISCRIMINATION***

### **DISCRIMINATION AGAINST PEOPLE OF SLAVE DESCENT**

32. People of slave descent, estimated by Timidria to number around 750,000 in Niger<sup>ix</sup>, who are no longer under the direct control of their 'masters' but still socially perceived as 'slaves', face widespread stigma and discrimination. 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. Communities of slave descent are generally overlooked by government-run services and poverty alleviation programmes. They often lack official identification documents and struggle to obtain these. In addition to scarcity of food and water, these communities, having never had access to school, are illiterate and economically excluded. They are unable to cope with climate crises and are at risk of acute malnutrition and other life-threatening diseases.
33. While local and regional officials are increasingly more aware of and responsive to the needs of communities of slave descent, with promised resources generally materialising, there is no national-level commitment towards the adoption of a policy of positive discrimination for people of slave descent.

### **ACCESS TO EDUCATION FOR CHILDREN OF SLAVE DESCENT**

34. For children of slave descent, access to education is their best protection against child labour, slavery, and child marriage, and a vital platform for achieving decent work opportunities 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, child marriage and forcible recruitment by terrorist groups.
35. Over several decades, Anti-Slavery International and Timidria have assisted communities of slave descent to break free from servile relationships to hereditary Tuareg masters and establish independent villages. As education is a crucial factor in breaking the cycle of slavery, since 2007 we have been implementing a project which involved opening six primary schools for families emerging from slavery and built communities around them. The schools serve as a hub for wider

projects, providing human rights advocacy training and microloans for the parents to establish incomes. Over a thousand children now attend these schools every year, with girls having equal access. The children are achieving excellent results, way above the national average.

36. The provision of meals at the schools has been pivotal, given the extreme deprivation of families. Canteens are essential to retain children at schools in nomadic areas, affected by food and water scarcity. Without canteens, the parents might be forced to leave the villages with their children to search for food and water or migrate to the country's urban centres to do seasonal work. The statutory authorities have increasingly become involved with the schools, through the provision of teacher training, payment of teacher salaries, inspections, and the provision of food for the school canteens, and have committed to replicate the model in other villages established by communities of slave descent.

## **37. RECOMMENDATIONS**

### **To address discrimination against people of slave descent:**

- Amend the Criminal Code to recognise discrimination based on 'slave' status and put in place a compensation fund for victims.
- Invest in measures to promote the socio-economic empowerment of people of slave descent through the provision of education, skills development, and assistance with alternative livelihoods.
- 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.

### **To ensure access to education for children of slave descent:**

- Build more primary schools in communities formed by former slaves and ensure 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.



# ***THEME: CHILDREN: PROTECTION AGAINST EXPLOITATION***

## **WORST FORMS OF CHILD LABOUR**

38. Worst forms of child labour persist in Niger, including children in descent-based slavery, forced child begging of *talibés*, and child domestic workers subjected to trafficking and forced labour. Government action to tackle the worst forms of child labour is 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 the nature and extent of worst forms of child labour in the country; and lack of resourcing and coordination of the relevant mechanisms and agencies.
39. 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... 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 work without any rest day and little pay. Such children are often subjected to physical, verbal and sometimes sexual abuse.<sup>x</sup> It stated that it “remains concerned that efforts made by the State party are insufficient, in particular in relation to children in slavery, including *talibé* children and Wahaya girls (fifth wife), children in streets situations...children in forced labour.”<sup>xi</sup>
40. In 2019, the Human Rights Committee “...remains concerned about: (a) the large number of children employed as domestic workers who are at risk of abuse; (b) the number of children in street situations, who are also at risk of all forms of violence; (c) the specific situation of *talibé* children handed over to *marabouts* in Qur’anic schools and forced to beg; and (d) the persistence of the practice of child slavery based on descent.”<sup>xii</sup> It urged the State to “...**take the necessary measures to: (a) protect minors against all forms of abuse, including through the care and rehabilitation of children in street situations or involved in begging; (b) publicly condemn the practice of forced begging and raise awareness of the issue among religious and traditional leaders and parents with a view to eradicating this practice; (c) continue its efforts to strictly control and regulate child labour; (d) enforce the criminalization of slavery by systematically prosecuting all perpetrators of the crime of child slavery based on descent**”<sup>xiii</sup>

### **Forced child begging of *talibés***

41. Thousands of *talibés* attending Quranic schools are forced to beg on the streets. Research conducted by Anti-Slavery International, ANTD and RADDHO<sup>xiv</sup> identified 86,824 *talibé* and 1,543 Quranic schools in Niger. Of these, at least 76,000 *talibé* children were forced to beg. *Talibés* are predominantly boys, typically aged between six and 17 years old, with 13% of those identified in the research aged between six and seven years old.<sup>xv</sup>

42. *Talibés* are predominantly from extremely poor rural families in Niger, with others having been trafficked into Niger from neighbouring countries. They experience regular physical abuse, emotional abuse, and other forms of threats and coercion to meet their financial 'quota' from begging.
43. The research found that, on average, *talibés* were forced to beg on the street for an average of nearly nine hours per day. On the street, they are at risk of violence, vulnerable to trafficking, exploitation, abduction and sexual abuse by strangers, crime or prostitution networks and non-state armed groups. Road traffic accidents causing injury or even death are common. Of those surveyed, 99% had been assaulted while begging on the street, and 64% had already had or almost had a road accident while begging.<sup>xvi</sup>
44. In addition to forced begging, *talibé* report that they are often forced to work on land owned by their Quranic masters or other farmers' lands, or work such as selling water, as a porter or undertaking domestic work.
45. Separated from their families for long periods, they live in crowded and unhygienic conditions, with extremely limited access to water. *Talibé* are malnourished and vulnerable to disease such as malaria and dermatosis and lack access to healthcare and medicine. Those fleeing mistreatment often end up living on the streets. Due to the very limited education provided at the Quranic schools, *talibés* are poorly educated and socially ill-equipped for future life.
46. Despite this, the Qur'anic system of education 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*. As 70% of people in rural Niger, where many of the children are from, are living in endemic poverty, the chance to attend a Qur'anic residential school in an urban centre is valued. However, there is a growing call for the regulation of Qur'anic schools, and for the issue of *talibé* welfare to be prioritised by the Government.

## Child domestic workers

47. The hiring of a child domestic worker is a widespread and socially accepted practice in Niger. Child domestic workers are mainly girls, either from rural areas within the country who go to work in cities often far from their families, or from neighbouring countries including Nigeria, Benin, Ghana, Mali, and Togo. While there is a dearth of any data relating to child domestic work in Niger, it is clear that there are substantial numbers of children employed in this way.
48. Child domestic workers are particularly vulnerable to abuse, exploitation and forced labour. They 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.

49. Child domestic workers struggle with multiple demands and constant responsibilities. They work long hours, often without any rest days, for little or no pay, and are deprived of opportunities for an education. Physical, verbal, and sometimes sexual, abuse is common. Some child domestic workers are trafficked.
50. In Niamey, child domestic work involves two distinct forms: Permanent live-in child domestic workers, many of whom are girls from neighbouring countries, and live-out child domestic workers, who lodge in communal huts that are scattered around the outskirts of the capital. These children travel into the centre to work in employers' houses, often making this journey several times in a day. Some live-out child domestic workers are from neighbouring countries, and others are Nigerien children, many of whom are from rural areas and work seasonally: coming to Niamey in the off season to look for work and returning to their villages in the rainy season to cultivate.
51. The children access domestic work usually through their placement in employers' houses by men and women who live in the outskirts of Niamey and some other urban areas. Known as logeuses/tuteurs, they come from the same communities as the children that are entrusted to them. The logeuses are usually directly contacted by the employers who are looking to hire domestic workers. Parents often do not even know what work their children do.

## 52. RECOMMENDATIONS

### The Worst Forms of Child Labour

- Fully implement the recommendations of the Committee on the Rights of the Child (2018), and the Human Rights Committee (2019) on measures required to tackle the worst forms of child labour, particularly children in descent slavery, *talibé* children forced to beg, and vulnerable child domestic workers.

### Forced child 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 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.
- 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.

### 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.

## THEME: GENDER BASED VIOLENCE

### WAHAYA

53. Despite a 2019 Court ruling that the practice is unlawful<sup>xvii</sup>, the *Wahaya* practice continues, whereby girls of slave status are sold to be a 5<sup>th</sup> 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, forced to work without pay, facing regular rape and physical abuse from their master. It is not known how many girls continue to be affected by this practice. The absence of data and awareness of the extent of the numbers affected is an obstacle to tackling the practice. Prosecutions for engaging in the *wahaya* practice in Niger have been rare
54. 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 5<sup>th</sup> wife, in which they are treated as property, forced to work for their master and his family as well as sexually exploited.”<sup>xviii</sup> 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.”<sup>xix</sup>
55. In 2019, the Niger Court of Appeals ruled that the ‘marriage’ of Hadijatou Mani, whose case had been the subject of an ECOWAS ruling in 2008, was unlawful, thereby ending the bigamy case that she had continued to face. The Court also ruled that the *wahaya* practice is illegal.

### 56. RECOMMENDATIONS

- Amend the 2003 anti-slavery law to make explicit mention of the *wahaya* practice as a slavery crime and prosecute those responsible with sentences that reflect the gravity of the crime and are enforced.
- 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, to eradicate the sale of girls as *wahaya*.<sup>xx</sup>

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<sup>i</sup> Children studying at traditional residential Quranic schools, Makarata or Doudal *in Niger*, which are not regulated by the State

<sup>ii</sup> Recommendations: 120.67 (Malaysia); 120.104 (Egypt); 120.105 (Georgia); 120.106 (Luxembourg); 120.107 (Italy); 120.108 (Italy); 120.109 (Uruguay); 120.110 (Nicaragua); 120.111 (Norway); 120.112 (USA); 120.113 (Australia); 120.114 (Panama); 120.120 (Italy); 120.122 (Indonesia).

<sup>iii</sup> Recommendations: 120.112 (USA); 120.115 (Mexico); 120.116 (Panama); 120.117 (Ukraine); 120.118 (Brazil), 120.119 (Djibouti)

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<sup>iv</sup> Recommendations: 120.138 (Ukraine); 120.100 (Spain); 120.102 (UK); 120.103 (Uruguay)

<sup>v</sup> <https://www.globallslaveryindex.org/2018/data/country-data/niger/>

<sup>vi</sup> Human Rights Committee, *Concluding observations on the second periodic report of the Niger*, CCPR/C/NER/CO/2, 16 May 2019, para 34

<sup>vii</sup> Human Rights Committee, *Concluding observations on the second periodic report of the Niger*, CCPR/C/NER/CO/2, 16 May 2019, para 35

<sup>viii</sup> This does not exclude the possibility that there have been other convictions. These are the convictions documented by the submitting organisations:

- 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) 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, 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.

<sup>ix</sup> 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. [http://www.antislavery.org/wp-content/uploads/2017/01/full\\_french\\_slavery\\_in\\_niger.pdf](http://www.antislavery.org/wp-content/uploads/2017/01/full_french_slavery_in_niger.pdf)

<sup>x</sup> 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, para 43

<sup>xi</sup> 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, para 15

<sup>xii</sup> Human Rights Committee, *Concluding observations on the second periodic report of the Niger*, CCPR/C/NER/CO/2, para 44

<sup>xiii</sup> Human Rights Committee, *Concluding observations on the second periodic report of the Niger*, CCPR/C/NER/CO/2, para 45

<sup>xiv</sup> La Rencontre Africaine pour la Défense des Droits de l’Homme (RADDHO)

<sup>xv</sup> Anti-Slavery International, ANTD, RADDHO, *Souffrances sous silence: enquête sur la mendicité forcée des enfants talibé au Niger*, Mars 2020:

<https://www.antislavery.org/wp-content/uploads/2020/05/Forced-begging-niger-full-report.pdf>

<sup>xvi</sup> *Ibid*

<sup>xvii</sup> Court ruling 19-002/cout/CR of February 15, 2019 given by the joint chambers of the cassation court in the Hadijatou Mani case.

<sup>xviii</sup> 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, para 17

<sup>xix</sup> 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 (1) of the Rights of the Child on the sale of children, child prostitution and child pornography*, CRC/C/OPSC/NER/CO/1, para 18

<sup>xx</sup> 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, para 17 and 18