



October 2017

Anti-Slavery International and Timidria

Alternative report on Niger's implementation of the Convention on the Rights of the Child (3rd, 4th and 5th combined periodic reports).

Children in slavery

Stigma and discrimination against children of slave descent

Access to education by children of slave descent

Forced child begging of *talibés*

Child domestic work

The *wahaya* (5th wife) practice

**The Committee on the Rights of the Child
79th Pre-Sessional Working Group
(February 2018)**

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I. INTRODUCTION

Authors of the report

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.

Methodology

Anti-Slavery International and Timidria have been working to combat descent-based slavery in Niger for many years through legal assistance, community education and capacity-building. We played a key role in the landmark international case of Hadijatou Mani, which ruled against the state of Niger for failing to protect her from being sold into slavery when she was only 12 years old. We run a legal programme in order to provide legal support to victims of slavery through the work of a lawyer. Paralegals in four regions of the country also help hundreds of people obtain identity documents and file claims to the land they farm. In the last 6 years, we

have supported nineteen cases in Niger. In our project on ensuring access to education of children of slave descent, we opened six primary schools for families emerging from slavery and built communities around them. The schools serve as a hub for wider projects involving whole communities. They include over 400 microloans for families to start small businesses, human rights and advocacy training, particularly on gender equality and women's leadership, building wells in three communities, so that children are not taken out of school to fetch water for their families. Three neighbouring communities of slave descent, inspired by the success of these schools, were supported to successfully lobby the authorities for the setting-up of schools in their communities.

The information contained in this report has been gathered in the course of these projects, and is based on direct contact with slavery descendants and slavery survivors, and the account given by them of their experiences.

Report content

In this report we provide information on children in slavery; stigma and discrimination against children of slave descent; access to education by children of slave descent; forced child begging of *talibés* (children who study at residential Quranic schools, *daaras*); child domestic work; and the *wahaya* (so-called 5th wife) practice.

Anti-Slavery International and Timidria welcome the upcoming review of Niger's combined third, fourth and fifth periodic reports on the Convention on the Rights of the Child (hereafter the Convention). We hope that the information contained in this report will inform the pre-sessional review by the Committee on the Rights of the Child (hereafter 'the Committee') and that the areas of concern highlighted here will be reflected in the list of issues submitted to the Government.

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II. EXECUTIVE SUMMARY

Descent-based slavery is still practised to some degree in Niger. Children affected live under the direct control of their masters and are treated as property. Like other slaves, 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. Children in slavery experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters. They have no access to education, no access to leisure and play time, endure poor living conditions, and have

little or no access to healthcare. In addition, girls continue to be sold as *wahaya* (so-called 5th wives) and are subjected to forced labour and sexual abuse.

Children of slave descent, who no longer live under the direct control of their traditional masters, face widespread stigma and discrimination. Most are unable to access education due to factors including unavailability of schools, the discriminatory attitudes of duty-bearers, and semi-nomadic lifestyles. Communities of slave descent and their children, who are still socially perceived as ‘slaves’, face immense challenges. 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. 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.

Child domestic workers are particularly vulnerable to abuse, exploitation and forced labour. *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.

Since the Committee examined Niger’s second periodic report in 2009, welcome steps to improve the legal and policy framework have been undertaken. The Government supported many recommendations made at its second cycle Universal Periodic Review in January 2016 on increased action to tackle slavery¹ and the *wahaya* practice.² The current President has publicly committed to work towards the eradication of slavery. However, the implementation of the law criminalising slavery has been inadequate and prosecutions for slavery are rare. The commitment of the Government to eradicating slavery is to be welcomed, however more action is needed to enforce the law, identify and assist victims, prosecute offenders, and invest in measures promoting education and economic development for people of slave descent.

CLUSTER 3: GENERAL PRINCIPLES

Non-discrimination

1. Slavery based on descent and discrimination against children of slave descent

In 2009, the Committee stated that it “remains concerned at the persistent discrimination which girls suffer”³ and “...the persistent social discrimination experienced by the most vulnerable groups.” It called on the Government to “...**make greater efforts to ensure that all children**

¹ Report of the Working Group on the Universal Periodic Review, Niger, A/HRC/32/5, 12 April 2016, Recommendations 120.67, 120.104, 120.105, 120.106, 120.107, 120.108, 120.109, 120.110, 120.111, 120.112, 120.113, 120.114

² *Ibid.*, recommendations 120.38, 120.100, 120.102, 120.103

³ Committee on the Rights of the Child, Concluding observations : Niger, CRC/C/NER/CO/2, 18 June 2009, para 27

within its jurisdiction enjoy, without discrimination, all the rights set out in the Convention, including through public education programmes and the eradication of social misconceptions...; and prioritize and target social services for children belonging to the most vulnerable groups.”⁴

Children in slavery, and children of slave descent who no longer live under the direct control of their traditional masters, are particularly vulnerable groups in Niger that face widespread stigmatisation and discrimination, especially girls.

People from black ethnic groups in West Africa were historically raided and enslaved by the Tuaregs, and became a bonded caste within Tuareg society, with the inherited status of ‘slaves’. Despite the criminalisation of slavery in 2003, descent-based slavery still persists to some degree in Niger, and children in this form of slavery are considered to be the property of their master and face a lifetime of forced, unpaid labour and abuse. The regions of Tillabéri, Tahoua, Maradi and Agadez have the highest numbers of people in slavery.

In the last two decades, the majority of people in slavery have cut ties with their masters and attempted to establish independent communities far from their masters. However, they and their children, who are still socially perceived as ‘slaves’, face 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, as they are more at risk of forced and early marriage.

In 2014 the UN Special Rapporteur on contemporary forms of slavery conducted a country visit to Niger and noted “...the predominant situation in the Niger today: that of former slaves and descendants of former slaves who do not live with their masters but remain tied to them and face social exclusion and violations of their human rights, including widespread descent-based discrimination.”⁵ She noted forms of discrimination including “prohibitions preventing them from leading prayers, and obstacles to their active political participation, decision-making and ownership of land. Marriage between a person of slave ancestry and someone outside the community is still almost inexistent, and former slaves and their descendants are denied equal economic opportunities, have limited access to basic social services and are, in some cases, denied the right to education.”⁶

⁴ Committee on the Rights of the Child, Concluding observations : Niger, op.cit, para 28

⁵ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 39

⁶ *Ibid.*, para 40

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.

CLUSTER 4: CIVIL RIGHTS AND FREEDOMS

Slavery

1. Slavery based on descent

Descent-based slavery is still practiced to some degree in Niger, and children affected are born into slavery and treated as property by their master. 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. Children experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters. They have no access to education, no access to leisure and play time, endure poor living conditions, and have little or no access to healthcare.

There is an absence of statistical data on the numbers of adults and children affected by descent-based slavery. However it is clear that, although now affecting much lower numbers compared to twenty years ago, the practice exists across the country, both in rural and urban areas, and is practised predominantly by the Tuareg, Maure, Zarma, Songhai and Peulh (also known as Pulaar and Fulani) ethnic groups.

The report of the Special Rapporteur on contemporary forms of slavery following her 2014 country mission states that “Almost all of the interlocutors with whom the Special Rapporteur met said that slavery continued to exist in some ethnic communities in the Niger, where people were born into slavery, resulting in generations being owned by, and at the entire disposal of, their masters. It was however repeated on several occasions that the prevalence of slavery was difficult to estimate, since it was hidden and practiced in closed family circles⁷... In those communities, slaves still live with their masters. They are at the entire disposal of the master and his family; in exchange, they are fed and clothed. They are often exposed to violence and treated as commodities — they can be sold, loaned or offered as a gift in marriage. Slaves are required to work long hours, mainly in agriculture, domestic work and cattle rearing, and are not paid. Children born to slaves inherit the slave status. They belong to their master, who decides their fate, including regarding schooling, and can even separate them from their

⁷ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 33

parents. Slaves cannot receive an inheritance; when a slave dies, his or her property, albeit limited, belongs to the master.”⁸

In 2009, the Committee was “deeply concerned that the State party’s report lacks information about caste-based slavery practices while those practices exist throughout the country and perpetrators are not prosecuted and punished” and “especially concerned at the absence of services to free children and adult victims of traditional slavery practices and at the little efforts to educate the public about harmful slavery practices in general.”⁹ The Committee 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. The Committee calls upon the State party 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 new law against slavery.”**¹⁰

Since the Committee’s examination of Niger’s second periodic report, welcome steps to improve the legal and policy framework have been undertaken and the current President has publicly committed to work towards the eradication of slavery. However, the implementation of national law criminalising slavery has been inadequate and prosecutions for slavery are rare. More action is needed to enforce the law, identify and prosecute offenders, assist victims, and invest in measures promoting education and economic development for people of slave descent.

2. The Government response – legal and policy framework

Slavery is criminalised in Niger. Law No. 2003-25 criminalised slavery and imposes substantial penalties. Legal standing is granted to associations which have a mandate relating to fighting against “slavery or similar practices”, to initiate criminal proceedings against perpetrators. The Constitution of 2010 stipulates in Article 14 that no one shall be subjected to slavery. In 2010 a law was adopted to prevent and fight human trafficking, including trafficking for slavery and slavery-like practices, which led to the creation of the National Coordination Commission for Combatting Trafficking in Persons (CNCLTP) and the National Agency for Combatting Trafficking in Persons (ANLTP) in 2012. In July 2014 a National Action Plan on Combatting Human Trafficking was adopted. Niger also amended the Labour Code to prohibit forced labour and worst forms of child labour. Law No. 2012-45 of 25 September 2012 updated the Labour Code, which provides further legal protection from slavery-like practices. A National Human Rights Commission was established, with slavery eradication as part of its mandate.

3. Obstacles to the eradication of slavery

While the 2003 Anti-Slavery Law is comprehensive, the number of prosecutions has been very limited. Only a few dozen slavery cases have reached domestic courts and tribunals, and all of

⁸ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 37

⁹ Committee on the Rights of the Child, Concluding observations: Niger, op.cit, para 33

¹⁰ *Ibid.*, para 34

these have been brought by the legal programme run by Anti-Slavery International and Timidria. In the last six years, we have supported 19 cases. Out of these cases, there have been only three successful prosecutions under the anti-slavery law. We obtained two convictions for the crime of slavery¹¹ and one conviction for the offence of slavery and ethnic discrimination¹². Even in these cases, the penalties have not been proportional to the offence: sentences of only four years, one year and one year suspended have been handed down to convicted slave-owners, despite the fact that the lowest penalty for the crime of slavery provided for in law is ten years imprisonment.

Most of the land rights cases (where people of slave descent are typically evicted from their ancestral lands) brought by Anti-Slavery International and Timidria have been unsuccessful with ownership of the land being systematically granted to traditional chiefs or other influential leaders such as *marabouts*.

In 2016, after many years of providing legal assistance and promoting litigation, Anti-Slavery International conducted a wide-ranging strategic legal review in order to better understand the factors of success and failure in slavery prosecutions. It clearly emerged from this review that the failure of slavery prosecutions had less to do with litigation itself than to external elements, particularly the influence of traditional chiefs and social hierarchies on judges' decisions and disputations between customary and statutory law. The coexistence of national law and customary law presents obstacles in access to justice and remedy for victims, 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.

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.

The Special Rapporteur on contemporary forms of slavery noted that while a comprehensive analysis is needed of the reasons for the limited number of prosecutions, she identified the following as causes: prosecutorial and judicial authorities and law enforcement officials seem to sometimes lack the necessary expertise on the existing anti-slavery legislation; reluctance

¹¹ Timidria and Public Ministry v. Elhadji Jadi Rajikou and Illia Djibo: The Court ruled that the accused Elhadji Jadi Razikou was guilty of the crime of slavery, but accorded him 'mitigating circumstances' (he is 63, he admitted and regretted his acts). The victim, Garba Ramatou, did not bring charges against him – Timidria was the sole plaintiff. The Court sentenced him to 4 years' imprisonment and gave Timidria 500,000 FCFA for damages and interests. Me Chaibou had asked for 1,000,000 damages and interests.

Issibite Wanagoda and her family & Timidria v. Tafane Abouzeidi (2004): This family had been subjected to slavery (and acts of torture) throughout their lives by Tafane Abouzeidi. They managed to escape in 2004. In 2008, the courts ruled that Abouzeidi was guilty and sentenced him to one year in prison and a fine of 100,000 CFA (£120), as well as damages to the victims.

¹² Halidou Soumaila, Issoufou Adamou and Timidria v. Ousmane Dangana, Daouda Ali New (2012): Ousmane Dangana (marabout) was judged guilty of the offence of slavery and ethnic discrimination, with accumulated infractions. He was given a six-month suspended sentence and a 20,000 CFA fine (about £24), plus he was ordered to pay 100,000 CFA (£120) to each of the plaintiffs. He also had to pay a nominal sum (1 franc!) to Timidria, who also acted as a plaintiff.

on the part of victims to report crimes of slavery, owing to, among other things, fear of retaliation or victimization; lack of awareness of their rights, including due to illiteracy; limited access to legal aid; lack of alternative livelihoods; inadequate victim support; and absence of trust in law enforcement.¹³

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). It has one of the highest adolescent birth rates in the world, the lowest average years of schooling, one of the lowest literacy rates and the lowest life expectancy in the world (49.4 for women; 48.4 for men). Its geographical location, occupying two thirds of the Sahara desert, makes it prone to drought and famine, especially in the remote regions of Maradi, Tahoua, Tillabéry and Zinder. Indeed the Government reported to the International Labour Organisation's (ILO) Committee of Experts on the Application of Conventions and Recommendations that the National Committee to combat the vestiges of forced labour and discrimination (established in 2006) no longer meets due to a lack of resources, and it has been impossible to implement the action plan adopted by that Committee in 2007.¹⁴

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 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 adopted by the CNCLTP. It is also 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 consider and address 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 the priorities of the donor community, specifically migration, slavery and slavery-related issues are being relegated to a lower priority, despite their prevalence and severity. Finally, the National Commission on Human Rights also seems to be struggling with a lack of resources, and is not known to be undertaking any work on slavery and associated discrimination.

The Special Rapporteur on contemporary forms of slavery observed that attempts to effectively eradicate slavery were also constrained by a number of factors, including endemic poverty, food insecurity, high rates of population growth, and high levels of illiteracy. She concluded that poverty eradication, rule of law and good governance, education and socio-economic empowerment, and overcoming discrimination based on social origin are key to the eradication of slavery.¹⁵

¹³ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 95

¹⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (no.29), Niger, Published 2014

¹⁵ End of Mission Statement by Ms. Urmila Bhoola, Special Rapporteur on contemporary forms of slavery, including its causes and consequences, to the Country visit to Niger (11 – 21 November 2014) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15329&LangID=E>

4. The difficulties faced by children emerging from slavery

Child victims of slavery do not have access to adequate rehabilitation and reintegration measures. There is no policy, strategy or action plan aimed at providing comprehensive support and assistance to slavery victims. 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.

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. These ‘risen up’ communities face immense challenges: A harsh environment, scarce resources, minimal infrastructure or services, and discriminatory treatment due to their slave caste status. The very low status of women & girls and constraints imposed by gender stereotyping exacerbate these problems and make the pursuit of lives outside slavery fraught with difficulty and highly precarious; and thus acutely vulnerable to re-enslavement and trafficking.

RECOMMENDATIONS

- Fully implement the recommendations on addressing slavery and eradicating the *wahaya* practice that enjoyed the support of the Government at its second cycle Universal Periodic Review in January 2016.¹⁶
- Fully implement the recommendations of the UN Special Rapporteur on contemporary forms of slavery, including to coordinate and mainstream anti-slavery efforts; enforce the anti-slavery law and ensure prosecution of perpetrators; take measures to prevent slavery, protect and rehabilitate victims; and raise awareness of the criminalisation of slavery.

Specifically, as recommended by the Special Rapporteur on slavery, to:

- Conduct a nationwide study on the prevalence of slavery and slavery-like practices, in cooperation with national and international stakeholders and the donor community.
- 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.
- Strictly enforce the anti-slavery law, ensuring prosecution of perpetrators, and ensure effective access to justice for victims of slavery.
- Identify, release and rehabilitate victims of slavery, including their access to safe shelter, family reunification and medical, psychological and other assistance.

¹⁶ Report of the Working Group on the Universal Periodic Review, Niger, A/HRC/32/5, 12 April 2016, Recommendations on slavery 120.67, 120.104, 120.105, 120.106, 120.107, 120.108, 120.109, 120.110, 120.111, 120.112, 120.113, 120.114, recommendations on the *wahaya* practice 120.38, 120.100, 120.102 and 120.103

CLUSTER 5. VIOLENCE AGAINST CHILDREN

Children living in descent-based slavery under the control of their masters experience psychological and physical abuse, and girls are often sexually abused and raped by their master and his family members.

Child domestic workers in Niger are highly vulnerable to physical, psychological and sexual abuse. Due to the nature of their work inside a private home, they are harder to identify and protect.

The situation of *talibés*, children studying at Quranic schools, who are forced to beg on the streets, which was highlighted by the Committee in its previous Concluding Observations¹⁷, remains grave. Far from their families and living in squalid, unsanitary conditions, they are materially and emotionally impoverished, vulnerable to disease and poor nutrition; and subjected to physical or psychological abuse if they fail to meet their begging 'quotas'.

The situation of child domestic workers, and *talibés* forced to beg by their Quranic masters, is discussed in further detail in under Cluster 9: Special Protection Measures.

CLUSTER 8. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

1. Children in situations of slavery

Children in slavery in Niger are denied access to healthcare, education, and leisure and recreation time.

2. Access to education for children of slave descent

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, these children, particularly girls, have few prospects of leading a life outside of child labour and forced or early marriage, and are highly vulnerable to trafficking.

Following her country visit, the UN Special Rapporteur on contemporary forms of slavery observed that “The Government of the Niger has taken important measures to ensure the right

¹⁷Committee on the Rights of the Child, Concluding observations: Niger, op.cit, paras 37, 51, 72

to education¹⁸.... Despite those initiatives, investments in school infrastructure and teacher training, the reduction of school fees and the establishment of canteens in alternative rural, previously called nomadic, schools, access to education remains unequal and the education quality in public schools continues to be poor.”¹⁹ She further noted that “Education plays a key role in emancipating former slaves and their descendants, combating their social exclusion, marginalization and discrimination and ending slavery and slavery-like practices. Low education levels and high levels of illiteracy perpetuate the cycle of poverty and contribute to the continuation of slavery and related practices.”²⁰

As education is a crucial factor in breaking the cycle of slavery, Anti-Slavery International and Timidria have, since 2007, been implementing a project which involved the setting up of six primary schools for families emerging from slavery and built communities around them. The schools serve as a hub for wider projects involving whole communities. They include over 400 microloans for families to start small businesses, human rights and advocacy training, particularly on gender equality and women’s leadership, building wells in three communities, so that children are not taken out of school to fetch water for their families.

In the first project phase, the provision of meals played a pivotal role, 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 in late 2016 agreed to fund the provision of food for the school canteens with support from the World Food Programme. The supplies of food have not been delivered consistently, deliveries in January 2016 and October 2016 each lasted a few months, and children were forced to adapt to fewer school meals. This presents a risk given the link identified above between provision of food and children’s continued ability to attend school. However, the supplying of school canteens has been a nationwide issue, all State schools in nomadic areas have been affected by the delays, leading to lower attendance and higher drop-out rates of school pupils in nomadic areas. Nevertheless, this collaboration between the project and the government is a key achievement, signifying official recognition of communities of slave descent and the State’s responsibilities towards them.

Three neighbouring communities of slave descent, inspired by the success of these schools, were supported to successfully lobby the authorities for the setting-up of schools in their communities. In 2016, the Government agreed to fund the schools through the provision of teachers and basic school supplies. The communities had to build the schools themselves, which became operational in September 2016, but the lack of canteens at the time of writing could compromise their sustainability in the long term.

¹⁸ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 88

¹⁹ *Ibid.*, para 89

²⁰ *Ibid.*, para 91

RECOMMENDATIONS

- Fully implement the recommendation of the Special Rapporteur on contemporary forms of slavery to “ensure equal access to high-quality free public education for all children of compulsory school age, including former slaves and those of slave descent, particularly girls, by, inter alia, allocating sufficient budget for adequate school infrastructure, meals in schools and proper teacher training”
- Pay particular attention ensuring the timely and adequate delivery of food supplies to schools in communities of slave descent. The establishment of school canteens are crucial in semi-nomadic areas where food and water are scarce, and instrumental to the ability of children of slave descent to remain in the area and attend the school, as well as to their school attainment and health
- Build more schools in communities formed by former slaves.
- Put measures in place to improve access to secondary education for children of slave descent through the construction of more secondary schools in nomadic areas and/or the provision of bursaries for children who have to leave their family to pursue their education in urban centres.

CLUSTER 9. SPECIAL PROTECTION MEASURES

1. Child domestic workers

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 data available on child domestic work in Niger. However it is clear that domestic work is a major sector of employment for girls. The hiring of a child domestic worker is a widespread and socially accepted practice. The ILO worked with the Government in 2008 to carry out a study on child labour, which encompasses domestic work, which showed that most economically active children are engaged in domestic work (58.2 per cent)²¹. 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. The Special Rapporteur on contemporary forms of slavery expressed her concern that domestic work in Niger is not regulated by legislation.²²

²¹ National Statistics Institute and ILO, *Rapport de L'Enquête nationale*, pp. xi and 29.

²² Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 70

RECOMMENDATIONS

- Ratify and implement ILO Convention No. 189 on Decent Work for 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

2. Forced child begging of talibés at Quranic schools

In 2009 the Committee was “seriously concerned at the situation of Talibe children under the guardianship of Koranic schools who are forced by their Marabouts to beg in the streets.”²³ It recommended a number of measures that the Government should undertake, including a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude, and a sensitization programme in collaboration with traditional and religious leaders and parents to stop the practice of Marabouts sending children to beg in the street.²⁴ It called on the Government to take appropriate measures to address the ill-treatment of child in Islamic Schools and prosecute perpetrators in accordance with criminal law.²⁵ The Government has not, as far as we are aware, implemented these recommendations.

Talibés are children, almost exclusively boys, who study in residential Quranic schools (*daaras Makaranta*), under Quranic teachers and/or *Marabouts* (Quranic masters), which are not part of the formal education sector in Niger and are therefore not regulated by the authorities. Their education almost entirely consists of rote learning of the Quran in Arabic – a language that the children do not speak. By tradition, these residential schools do not charge for food, accommodation or studies. Instead the children, some as young as five years old, are forced to beg on the streets. *Talibés* 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. Forced child begging is a worst form of child labour, children affected experience economic exploitation as well as violence, threats and coercion. Many of those affected have been trafficked.

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*.

The number of *talibés* forced to beg on the streets in Niger is unknown but child begging is very visible in the country’s urban centres, which indicates high levels. Young boys and girls stand outside supermarkets, gas stations or by the traffic lights and beg for money. 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. Forced

²³ Committee on the Rights of the Child, Concluding observations: Niger, op.cit, para 72

²⁴ *Ibid.*, para 73

²⁵ *Ibid.*, para 38f

begging does not only affect children who study in Quranic schools. 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 report of the UN Special rapporteur on contemporary forms of slavery states that “the Government has acknowledged that the number of street children in the urban areas, particularly in Niamey, has reached alarming proportions. According to a report published in 2011 by a collective of human rights organizations (Collectif des organisations de défense des droits de l’homme et de la démocratie), there were more than 11,000 street children in the Niger. To tackle the situation, the National Committee to Combat the Phenomenon of Street Children was established under the Ministry of Population, Advancement of Women and Protection of Children, by Order No. 09/MPF/PE of 30 April 2007, but the Committee is no longer operational.²⁶ Further that “The Special Rapporteur learned about the positive results of a government pilot programme in Diffa region where *talibés* were learning the Koran in the community rather than being removed from it. Some efforts have been made to formalize Koranic teaching, and the National Anti-Trafficking Action Plan envisages measures to further reinforce the regulation of Koranic schools. The Special Rapporteur was encouraged to hear that the strategic plan of the National Human Rights Commission (2014–2017) provides for a study that will hopefully shed more light on the *talibé* phenomenon”.²⁷ However, at the time of writing, Anti-Slavery International and Timidria are not aware whether or not this study has been carried out. The Special Rapporteur also noted that she was not “informed of any convictions in relation to the worst forms of child labour, despite penalties provided for under the Labour Code. Similarly, no *marabout* has been convicted for forcing children to beg, despite the clear definition of forced child begging as a crime under article 181 of the Criminal Code.”²⁸

RECOMMENDATIONS TO THE GOVERNMENT OF NIGER

- Conduct a national study to determine the nature, prevalence, and causes of forced child begging in Niger.
- Take urgent action measures to end forced child begging of *talibés*, some of whom are as young as five years old. 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 their families and receive a more rounded education to equip them better for adult life without being sent out to beg.

²⁶ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 62

²⁷ *Ibid.*, para 66

²⁸ *Ibid.*, para 64

3. The *wahaya* (5th wife) practice

In 2009, the Committee was "...deeply concerned at the practice called "The Wahaya" by which people or eminent personalities, as well as chiefs and important Marabouts, buy young girls to serve as their concubines which seems to be widely socially accepted."²⁹ The Committee urged the Government to develop and strengthen legislative measures to address the issues of sexual abuse and exploitation, and take appropriate measures to ensure the prompt prosecution of perpetrators.³⁰

The *wahaya* or '5th wife practice' regrettably continues, despite the Committee's recommendations and despite the Government supporting recommendations made at its second cycle UPR to prohibit the practice. Mainly practised in the Tahoua region, girls of slave status are sold as a 5th or additional 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 for her master and his family, and sexually exploited.

Anti-Slavery International and Timidria documented the routine selling of girls from the black Tuareg ethnic group by their Tuareg 'masters' to wealthy men from the Hausa ethnic group in Northern Nigeria. Typically sold for between US\$330 and US\$660 euros, 43 per cent of the girls interviewed were sold between the ages of 9 and 11 years old, and 83 per cent were sold before the age of 15³¹. It is common for the 'master' to force sexual relations with the girls as soon as they reach puberty. *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.

During her country visit, the Special Rapporteur on contemporary forms of slavery obtained testimony from former *wahaya* and their descendants who currently reside in the villages of Zongo Ablo and Zongo Aroki, Tahoua region. The women displayed the heavy brass anklets they had been forced to wear to prevent them from escaping. They had had to leave their children when they fled, and some had not been able to trace them. Many former *wahaya* bear scars from the injuries inflicted by their former masters, and all of those who spoke with the Special Rapporteur reported having suffered severe physical hardship and all forms of abuse.³²

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.

²⁹ Committee on the Rights of the Child, Concluding observations: Niger, op.cit, para 78

³⁰ *Ibid.*, para 79 (a) and (b)

³¹ Galy Kadir Abdelkader and Moussa Zangaou, *Wahaya: Domestic and sexual slavery in Niger*, Anti-Slavery International and Association Timidria, November 2011

³² Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, Mission to the Niger, A/HRC/30/35/Add.1, 30 July 2015, para 52

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.