

Children's right to identity in Niger

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1 Creation of identity

Birth registration:

- According to a 2022 UNICEF report, in Niger, only 67% of children under the age of one have been registered and 64% of children under the age of five.¹
- Civil registration is a decentralised system in Niger, as the mayors and their deputies are the civil status officers of the principal centres and give authenticity to the acts of civil status. They are assisted by civil servants assigned or appointed for this purpose by decision of the mayor. Mayors may delegate all or part of their functions in matters of civil status to their deputies. The officials of the secondary centres are civil registrars; and the Ministry of the Interior, Public Security, Decentralization and Religious and Custom Affairs, Directorate General of Civil Status and Refugees (DGEC-R) oversees the process of civil registration. The main civil registration centres are Chief places of the commune, the Central Registry, whilst the secondary centres are located in groups of districts, villages and tribes, or groups of villages and tribes according to their demographic weight.² Niger also has auxiliary registration offices in some hospitals and health centres; their main responsibility is to issue notification certificates (déclaration in French).³
- The law that governs civil registration has been restructured and upgraded for the third time since independence from France and the Loi no. 2019-29 du 1er juillet 2019 portant sur le régime de l'Etat civil au Niger was approved on 29 July 2019. The new text reflects the continental recommendations to improve the civil registration systems in each country and takes into consideration birth, marriage, divorce, and death registration.⁴
- Niger has a national civil registration and vital statistics coordination committee, the Observatoire National de l'État Civil (ONEC). It was created by Order No. 0309/MI/SP/D/ACR/ DGECR, dated 27 April 2015.⁵

Potential consideration:

- **What is the government undertaking to ensure that all children are registered promptly and to decrease the rate of under-registration in the country?**

2 Modification of identity

Displacement and migration:

- Niger is at the crossroads of migration in Africa, at regional level but also on the way to Europe, therefore 'facing the challenge of mixed migration movements, displaced children, refugees and unaccompanied children'.⁶ Indeed, 'Niger is the main migratory hub in West and Central Africa as a country of origin, transit and destination for mixed movements northwards to Libya, Algeria and the Mediterranean but also southwards with children and women fleeing Libya or being deported from Algeria. An increasing number of migrant children are being expelled to Niger as countries across Europe and North Africa seek to curtail irregular migration'.⁷
- As Europe has implemented measures to tighten its borders, Niger 'is one of the poorest countries in the world yet bearing the brunt of the 'out-of-sight, out-of-mind' policies by richer countries'.⁸

Child marriage:

- 76 % of women between the ages of 20 and 24 were married before their 18th birthday and 28% before the age of 15, which is, by far, the highest rate worldwide.⁹ Indeed, child marriage appears to be a culturally- and socially-approved practice. In some communities, choices are made without the consent of the concerned parties. However, the rate of registration of marriages before the civil registration authorities contrasts with the latter, as, in most cases, these marriages are celebrated religiously and traditionally, which does not allow the civil registration system to obtain data on marriage amongst its population.¹⁰
- Despite efforts undertaken by Niger and its partners (awareness-raising campaigns, issuance of free certificates, creation of civil registration offices, training of staff, etc.), an important section of the population still does not have any identity documents. This is due, amongst others, to a lack of understanding of the use and importance of this documentation, the distance from registration centres and socio-cultural practices. The mobilisation of community leaders (customary leaders, religious leaders, municipal councillors) in the identification and registration of all births, marriages and deaths occurring in their community has been identified as a priority action.¹¹

- Indeed, ‘religious and traditional leaders are respected figures in their communities, often prescribing which behaviours are acceptable. Seeing how powerful their voices can be, UNICEF partnered with the Niger Traditional Leaders Association and the Islamic Congregation - called Faouzia – to help promote positive change in the communities with the aim at ending child marriage and promoting key family practices. Traditional and religious leaders regularly carried out community dialogues and organize village-wide assemblies using their leadership roles to tackle this harmful practice. The Niger UNFPA-UNICEF programme continued to reinforce community-based child protection mechanisms that are effective in addressing social norms. The programme supported the Government in expanding the network of Village Child Protection Committees to promote positive practices in communities targeted by the programme. Education sessions by the Village Child Protection Committees were able to prevent cases of child marriage through direct mediation with parents and assisted girls to return to school. Through community dialogue and engagement, villages made public declarations for the abandonment of the child marriage practice’.¹²

- Given the exceptionally high rates of child marriage, ‘recent research from the International Center for Research on Women (ICRW) and the World Bank suggests that ending child marriage in Niger could save the country more than \$25 billion between 2014 and 2030’.¹³

Child labour and exploitation:

- According to the US report on the worst forms of child labour, ‘in 2022, Niger made minimal advancement in efforts to eliminate the worst forms of child labor. The government created a new committee to combat forced begging and held a workshop to revise the draft National Action Plan to Combat Child Labor. However, children in Niger are subjected to the worst forms of child labor, including in hereditary slavery and mining, each sometimes as a result of human trafficking. Children also perform dangerous tasks herding livestock. The minimum age for work does not meet international standards because it does not apply to children in informal work’.¹⁴

- Children in Niger are engaged in harmful employment, for example in mines and through the practice of *walaya*, which entails that ‘men buy girls born into slavery, often between ages 9 and 14, as “fifth wives.” Even though Niger’s Supreme Court set a legal precedent by ruling *wahaya* to be illegal in 2019, the government has made limited efforts to inform the public of the court’s ruling’.¹⁵

- In addition, ‘some Koranic teachers known as *marabouts* subject their students, boys known as *talibés*, to manual labor or forced begging rather than providing them with a religious education. Children in Niger participating in seasonal migration or migrant children from West Africa traveling to Algeria and Libya may also be subject to forced begging or commercial sexual exploitation.

In addition, Niger has a form of internal child trafficking called *confiage*, in which family members send their children to live with relatives or friends with promises of better educational or trade learning opportunities. However, some children are instead subjected to exploitation, including forced labor, sex trafficking, and domestic work’.¹⁶

Potential considerations:

- *What is being undertaken to put an end to child marriage and what actions are foreseen with key partners in this regard?*
- *How is the government considering acting to ensure that children are not subject to child labour, in particular its worst forms, and to exploitation in a variety of informal environments?*

3 Falsification of identity

Trafficking and child recruitment:

- Niger has faced a ‘phenomenon of child recruitment by extremist and violent groups. For example, Boko Haram in Nigeria and in the Lake Chad Basin area use this method. In addition, Niger is also a point of origin, transit and destination for victims of trafficking and smuggling of migrants, most of whom are women and children’,¹⁷ in addition to other forms of trafficking and exploitation mentioned above.

Potential consideration:

- *What actions are being planned by the government to strengthen effort to prevent and respond to instances of trafficking and child recruitment by armed groups?*

4 Restoration of identity

Birth registration:

- In 2023, a Strategic Plan for the improvement of the civil registration and vital statistics system 2023-2027 was launched with the support of International Organisation of the Francophonie, UNICEF and the European Union.¹⁸



Child marriage:

- Based on the enactment of a decree creating community and villages committees in charge of child protection,¹⁹ over 1,700 committee had been created to address child protection cases, fight against gender-based violence and harmful cultural practices, including the annulment of over 700 child marriage cases.²⁰ Religious leaders have played an important role in contributing to the mission of these committees.²¹

Child labour and exploitation:

- The government has established a key mechanism to coordinate its efforts to address child labour: the National Steering Committee to Combat Child and Forced Labor, led by MELSS and comprised of 17 Nigerien ministries and agencies with the purpose of finalising the next phase of Niger's National Action Plan to Combat Child Labor. It also intends to develop a new hazardous work list.²²

Humanitarian situation:

- As part of UNICEF's actions to respond to the situation of migrants, including children, in Niger, 377 Nigerien unaccompanied children returning from Algeria benefit from family tracing and reunification services through a partnership with the regional directorate of child protection in Agadez and Zinder. These partners provide temporary care while in transit, non-food items support, psychosocial support and post reunification follow up of children.²³

Child recruitment by armed groups:

- In 2017, the Government of Niger and the UN system signed an agreement on children allegedly associated to armed and terrorist groups, in line with international standards in this regard (Optional Protocol, Paris Principles).
- In this framework, four Transit and Orientation Centres have been established with the support of UNICEF to care for these children; to date, over 1,500 children associated to armed groups or at risk of recruitment (less than 10% of girls) have benefited from these centres, from social and economic reintegration measures and been cared for in line with international standards.
- In addition to this protocol, other actions taken include:
 - a review of anti-terrorist legislation in order to take into account the special treatment of children in military operation, the appointment of a children's judge and public prosecutor referring children to the anti-terrorist police, resulting in the prompt resolution of their case and their referral to social services;
 - the inclusion of the standards on child protection in armed conflicts in the review of the Criminal Code and Criminal Procedural Code;
 - launch in 2021 of a national strategy to fight radicalisation and prevent violent extremism, aimed at developing capacities of resilience amongst young people and promote their pacific and citizen participation within their communities;

- the strengthening of the capacity of the defense and security forces in relation to case management of children identified in the context of their operations, with specific training modules on children's rights;
 - despite the absence of dialogue with non-State armed groups, the UN identified and offered services to 24 children, who escaped from non-State armed groups. In fact, Niger is facing a resurgence of child abductions by non-State armed groups as well as gangs.²⁴

Potential consideration:

- *Whilst progressive commitment has been expressed by the government thanks to the enactment of legislation, policies and coordination mechanisms aimed at responding to various situations affecting children's identity rights, what concrete actions and next steps are foreseen to implement the latter?*

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