

NIGER (Tier 2)

Niger is a source, transit, and destination country for children, women, and men subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country. Nigerien boys are subjected to forced begging or forced labor within the country, as well as in Mali and Nigeria, by corrupt *marabouts* (religious instructors); these individuals, or other loosely organized clandestine networks, may also place Nigerien girls into domestic servitude or in the sex trade. Nigerien children are subjected to forced labor in gold mines, agriculture, and stone quarries within the country. Girls are subjected to prostitution along the border with Nigeria, particularly along the main highway between the towns of Birni N’Konni and Zinder. Nigerien girls reportedly enter into “marriages” with citizens of Nigeria and other foreign nationals living in Saudi Arabia and the United Arab Emirates, after which they are forced into domestic servitude upon arrival in these countries. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as “fifth wives” and subsequently subject them to forced labor and sexual servitude; their children are born into slave castes. Traditional chiefs play a primary role in this form of exploitation, either through enslaving children in their own families or arranging “marriages” for other powerful individuals. A small number of girls in forced marriages may be prostituted by their “husbands,” and a larger number are exploited in the sex trade after fleeing their nominal marriages. Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe where they are subsequently subjected to domestic servitude, sex trafficking, and forced labor in agriculture or animal herding.

Niger is a transit country for men, women, and children from Benin, Burkina Faso, Chad, Cameroon, Cote d’Ivoire, Gabon, Ghana, Liberia, Mali, Nigeria, and Togo migrating *en route* to Algeria, Libya, and Western Europe; some may be subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or as staff in bars and restaurants. NGOs reported that returnees from Libya and the approximately 50,000 refugees from Mali were likely at increased vulnerability to trafficking, but did not provide details on the forms of exploitation experienced by this population.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Following two years of negligible action in implementing its 2010 anti-trafficking law, the government demonstrated significant progress in prosecuting and punishing trafficking offenders, obtaining 22 convictions of sex and labor traffickers. During the year, it also appointed staff to the National Commission for the Coordination of the Fight against Trafficking in Persons (CNLTP), making it fully operational to coordinate and implement the government’s policies, as required by the 2010 law. The government took steps to address officials’ lack of awareness of anti-trafficking laws and policies; the Ministry of Justice distributed copies of the law to prosecutors’ offices throughout the country, and the CNLTP held a series of awareness-raising events for government officials and members of the public. The government, however, relied on NGOs to provide services to victims, and overall victim protection efforts were inadequate to address the needs of victims. Neither the government nor NGOs made sufficient efforts to identify and protect adult trafficking victims.

Recommendations for Niger: Vigorously prosecute and punish trafficking offenders, including those guilty of slavery offenses, using the anti-trafficking law; hand down adequate sentences for individuals convicted of committing trafficking offenses and enforce court judgments; train law enforcement and judicial officials throughout the country on the provisions of the anti-trafficking law in coordination with NGOs and international organizations; train law enforcement officials to identify trafficking victims proactively among vulnerable populations, such as women in

prostitution, girls born into slave castes, and children at worksites, and to refer them to protective services; develop systematic procedures to refer identified victims to protective services and support NGO partners in providing victim care; increase the quantity and quality of services available to victims; increase efforts to rescue victims of traditional slavery practices and adult victims; initiate law enforcement investigations into suspected cases of local officials colluding with traffickers or accepting bribes to obstruct criminal investigations of trafficking crimes, particularly traditional slavery; continue to include civil society representatives in anti-trafficking policy discussions and ensure they are given a platform to provide meaningful input to policymaking decisions; allocate adequate funding for the operation of the National Commission for the Coordination of the Fight against Trafficking in Persons; conduct labor inspections in the informal sector of the economy; and continue an initiative to raise public awareness about anti-trafficking law—specifically targeting vulnerable populations, religious leaders, and traditional chiefs—and encourage victims to exercise their rights under the law.

Prosecution

The Government of Niger demonstrated notable progress in its anti-trafficking law enforcement efforts during the year. Order No. 2012-86 on Combating Trafficking in Persons, enacted in 2010, prohibits all forms of trafficking, including slavery and practices similar to slavery. This law prescribes punishments of five to 10 years' imprisonment for committing trafficking offenses against adults and 10 to 30 years' imprisonment when the victim is a child, penalties that are sufficiently stringent. Penalties for child trafficking are commensurate with those prescribed for other serious offenses, such as rape, but penalties prescribed for the trafficking of adults are not. The law defines slavery and practices similar to slavery and specifically prohibits exploitative begging. Other statutes prohibit certain forms of trafficking; the country's penal code prohibits slavery, procurement of a child for prostitution, and the encouragement of or profiting from child begging in Articles 270 (as amended in 2003), 292-293, and 181, respectively, and its new labor code enacted in September 2012 outlaws forced labor. The penal code's prescribed penalties of 10 to 30 years' imprisonment for slavery offenses are sufficiently stringent and reflect the serious nature of the crime. The penalties prescribed in the labor code for forced labor are also sufficiently stringent, but the law allows for the option of a fine in lieu of jail time, which does not reflect the serious nature of this crime.

Having taken initial steps towards making the 2010 anti-trafficking law operational at the close of the previous reporting period, the government has since implemented the law through the prosecution and punishment of trafficking offenders, investigating 30 suspected trafficking offenses, prosecuting 24 cases (19 involving sex trafficking and five involving labor trafficking), and convicting 22 trafficking offenders during the year, a significant increase from the two investigations and no prosecutions or convictions during the previous year. Thirteen convicted offenders were sentenced to two-year prison terms and nine offenders were sentenced to six months' probation. Two prosecutions remained ongoing at the close of the reporting period and four suspected traffickers were still under investigation. The government did not make progress in ending impunity for *marabouts* who force children to beg or traditional chiefs who facilitate the enslavement of children. The actions of two *marabouts* were investigated, but the Koranic teachers were ultimately released without charges being filed. Structural barriers impeded victims' access to justice, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. One slavery case dating from 2009 was reportedly brought to a judge in February 2013, but remained pending at the close of the reporting period. There were no reported developments in a 2010 case in which a man was accused of re-enslaving two former slaves. NGOs reported that 10 additional slavery prosecutions that have been ongoing for years remained pending, but no defendants have been detained. Awareness

of the country's anti-trafficking laws remained low among officials outside Niamey, but the government undertook efforts to improve this during the year; the Ministry of Justice distributed copies of the 2010 anti-trafficking law to all prosecutors' offices throughout the country and issued official instructions to fully implement the law to prosecute violators. There were reports that local officials chose not to pursue slavery cases brought to their attention due to social or political connections of the alleged traffickers. There was no evidence of public officials' complicity in trafficking, though civil society representatives argued that judicial failure to focus adequately on slavery cases brought to their attention amounted to tacit complicity. The government did not report its investigation or prosecution of any public officials for alleged complicity in trafficking or trafficking-related criminal activities during the reporting period.

Protection

The government increased its efforts to identify victims during the year, though overall victim protection efforts remained inadequate. Authorities did not develop or employ systematic measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites, and there were no formal procedures to guide officials in referring identified victims to protective services. The government provided medical assistance and temporary shelter in social service facilities to a small number of child victims and referred others on an *ad hoc* basis to local NGOs for care. The government relied almost exclusively on NGOs and international organizations to provide services to victims, though NGOs' capacity to provide shelter or long-term services to victims was inadequate; their primary role was often to facilitate repatriation or family reunification of victims. There were no specialized services available in Niger for adult victims or victims of hereditary slavery. In one case, in which an NGO mediated the release of 14 slaves, the government reported it undertook efforts to prevent re-trafficking after the victims were returned to their families, but did not describe the nature of these efforts. Victims were often forced to return to their villages after a few months if NGO resources ran out, and some children spent the night in police stations when shelter space was not available.

The government identified 183 child trafficking victims during the year and NGOs identified an additional 395 child trafficking victims; the total number of victims identified, 578, is an increase from the 490 victims identified during the previous year, and the government played a larger role in these efforts than it had in the past. The regional government of Agadez continued to operate a committee comprised of police and local officials to assist in returning Nigerien migrants deported from North Africa to their communities of origin, though it did not make efforts to identify trafficking victims among this population. The 2010 anti-trafficking law includes provisions to ensure victims would be safe upon return to their countries of origin and provides for the possibility of granting victims legal status in Niger, including the ability to obtain employment. The government reported that adult victims would be encouraged to assist in the investigation and prosecution of trafficking cases, though no such victims were identified during the year. Victims of forced labor and caste-based servitude were able to file civil and criminal complaints simultaneously; although legal aid for victims was limited, NGOs helped victims file complaints in slavery cases. Victims' lack of awareness of the legal options available to them, fears of retaliation by traffickers, and lack of adequate shelter and protective services impeded efforts to obtain their participation in investigations and prosecutions. There were no reports that identified victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as criminals. Front-line officials did not receive training in identifying victims and

referring them to protective services, and border guards often denied entry to suspected traffickers and victims rather than attempting to rescue victims and place them in protective care.

Prevention

The Government of Niger increased its efforts to prevent human trafficking during the year. It appointed staff—including representatives from civil society—to the CNLTP, making it operational as the coordinating body for the government's anti-trafficking efforts. Senior officials increasingly recognized publicly the problem of human trafficking and Niger's policies to combat it; for example, in January 2013, the Minister of Justice chaired a seminar for 200 participants from government, civil society, and the community to raise awareness about laws prohibiting slavery and additional outreach meetings were held in the country's nine district courts and the tribunal of Niamey in March 2013. The Ministry of Justice allocated the equivalent of approximately \$32,000 to fund three workshops held by the CNLTP in December 2012 and March 2013 to train 695 law enforcement officials, community leaders, and civil society on the provisions of the country's anti-trafficking law and policies. The government took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing Niger's armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though there is no evidence the government implemented such training during the reporting period.