

NIGER (TIER 2 WATCH LIST)

The Government of Niger does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by providing in-kind assistance to NGOs and international organizations that provided shelter to trafficking victims and training law enforcement officials on victim identification. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not report the number of investigations, prosecutions, and convictions or the number of victims identified or referred for protective services for the second consecutive year. Therefore, Niger remained on Tier 2 Watch List for the second consecutive year.

RECOMMENDATIONS FOR NIGER

Vigorously investigate, prosecute, and convict traffickers, including those engaged in slavery and child soldiering, using the anti-trafficking law; train law enforcement and judicial officials throughout the country on the anti-trafficking law; fully adopt and implement systematic procedures for the proactive identification of trafficking victims—especially among vulnerable populations, such as children exploited in sex trafficking, girls born into slave castes, and children at worksites—and their subsequent referral to care; train law enforcement officials on victim identification procedures; provide financial or in-kind support to NGO partners providing victim care; provide victims with legal assistance and awareness of their rights and support victims, including victims of forced labor and caste-based slavery, in seeking redress from, and participating in the prosecution of, their traffickers; amend the law to increase penalties in the 2010 anti-trafficking law for trafficking of adults and in the penal code for forced child begging and child sex trafficking, and remove the option of imposing a fine in lieu of jail time for forced labor crimes in the labor code; increase the quantity and quality of services available to victims; increase efforts to rescue victims of traditional slavery practices and adult victims; implement programs for the disarmament, demobilization, and reintegration of former child combatants that take into account the specific needs of child ex-combatants; raise public awareness about the anti-trafficking law, specifically targeting vulnerable populations, religious leaders, and traditional chiefs; and develop a system among law enforcement, judicial officials and social welfare personnel to track suspected human trafficking cases and prosecution and protection data.

PROSECUTION

The government maintained minimal prosecution efforts; it did not report undertaking anti-trafficking law enforcement efforts for the second consecutive year. Order No. 2012-86 on Combating Trafficking in Persons, enacted in 2010, criminalizes all forms of trafficking, including slavery and practices similar to slavery as well as exploitative begging. This law prescribes sufficiently stringent punishments of five to 10 years imprisonment for committing trafficking offenses against adults and 10 to 30 years when the victim is a child. Penalties for

child trafficking are commensurate with those prescribed for other serious offenses, such as rape, but those prescribed for trafficking of adults are not. Other statutes prohibit certain forms of trafficking; the penal code criminalizes slavery, procurement of a child for sex trafficking, and the encouragement of, or profiting from, child begging in articles 270 (as amended in 2003), 292-293, and 181, respectively. The prescribed penalties for slavery in the penal code are 10 to 30 years imprisonment and sufficiently stringent. However, penalties of five million to 10 million CFA (\$7,998 to \$15,996) and two to five years imprisonment for child sex trafficking and six months to one year imprisonment for child begging are neither commensurate nor sufficiently stringent; such punishments are well below those required by the 2010 anti-trafficking act for child trafficking crimes. The labor code, enacted in September 2012, outlaws forced labor, prescribing penalties of two to five years imprisonment with the option of a fine. The penalties for slavery and forced labor offenses are sufficiently stringent and reflect the serious nature of the crime; however, forced labor penalties are inadequate when there is the option of a fine in lieu of jail time.

The government did not report the number of investigations, prosecutions, and convictions for the second consecutive year, contrasted with 144 investigations of trafficking offenses, five prosecutions of defendants, and five convictions of traffickers in 2014. The government did not make progress in ending impunity for *marabouts*, teachers at Quaranic schools, who force children to beg or traditional chiefs who facilitate the enslavement of children. There is a lack of access to justice for victims, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. There were no reported developments in pending slavery cases, some of which have reportedly been ongoing for years, although several new cases were reportedly filed in 2016. NGOs reported the government was slow to prosecute trafficking crimes. In 2016, the government trained police, prosecutors, and judges on the national trafficking law and victim protection. There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking or trafficking-related criminal activities.

PROTECTION

The government maintained minimal protection efforts; the government did not report the number of victims it identified or referred for protective services for the second consecutive year. There were no specialized services available in Niger for adult victims or victims of hereditary slavery. The National Agency for the Fight against Trafficking in Persons (ANLTP) provided training and written materials to law enforcement personnel on proactive identification of victims of trafficking. There were no formal written procedures for identifying victims and referring them to protective services, although generally police, prosecutors, and the ANLTP refer trafficking victims to local NGOs on an ad hoc basis. However, in August 2016, the National Coordination Commission for the Fight against Trafficking in Persons (CNCLTP) and the ANLTP met to agree and finalize identification procedures and a referral mechanism, which

remained pending ratification by the National Assembly. The government relied almost exclusively on NGOs and international organizations to provide services to victims, although NGOs' capacity to provide shelter or long-term services to victims was inadequate. NGOs provided shelter to approximately 6,000 trafficking victims, including victims subjected to forced begging and caste-based slavery; the government provided in-kind support to the victim assistance programs of NGOs and international organizations including temporary shelter, food, and primary health care for an unknown number of these victims. The Ministry of Women's Promotion and Child Protection provided limited social services to an unknown number of victims, including some returned to their home villages. Authorities did not employ systematic measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites.

While the government reported it would encourage adult victims to assist in the investigation and prosecution of trafficking 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 their efforts to do so. Victims of forced labor and caste-based servitude could file civil and criminal complaints simultaneously; however, there were no reports they routinely did so. While the government announced plans to establish demobilization and reintegration programs for children forcibly recruited by the terrorist organization Boko Haram, during the reporting period no such mechanisms were in place. An international organization reported that the government detained some children on suspicion of involvement with Boko Haram. The law provides for the possibility of granting victims legal residency in Niger if it is unsafe for them to return to their countries of origin, including the ability to obtain employment. During the reporting period, several thousand Nigeriens were deported from Algeria and several dozen voluntarily returned from Saudi Arabia; the Ministry of Interior has a program to welcome and shelter returning Nigeriens and facilitated the return of those Nigeriens who wished to do so.

PREVENTION

The government maintained modest efforts to prevent trafficking. The CNCLTP continued to serve as the coordinating body for the government's anti-trafficking efforts, and the ANLTP was the government's permanent implementing body to address trafficking in persons. Although the CNCLTP and the ANLTP submitted budgets of \$8.7 million and \$877,000 to the government, respectively, the agencies did not expect to receive the full amounts. A surge in enforcement efforts targeting illicit migration in Agadez region, a major transit point to North Africa, resulted in a sharp decrease in smuggling of migrants, a group vulnerable to trafficking, through northern Niger. The government conducted an investigative mission and drafted and released a report documenting Nigerien citizens' understanding of trafficking. Senior officials publicly recognized the problem of human trafficking and Niger's policies to combat it at the opening of several anti-trafficking information and education campaigns during the reporting period, some which were covered by the media. With the help of an international donor, the government conducted

awareness-raising on forced begging. In 2016, the Ministry of Employment, Labor and Social Security (MELSS) increased the number of labor inspectors by 13 to 73, although the number of labor inspectors remained insufficient for the size of Niger's workforce. The government did not punish labor recruiters or brokers who recruited workers with knowingly fraudulent offers of employment or job placement, although it did temporarily halt a program to place Nigerien workers for employment in Saudi Arabia and provided assistance with travel documents to workers who wished to return to Niger after workers complained of exploitative working conditions. As part of its strategy to reduce illegal migration and associated human trafficking, the government continued a repatriation program with Algeria and restricted migratory routes through Niger. The government took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing the armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions and the government addressed such requirements through a program conducted by a foreign donor. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Niger is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country and affect some 44,000 people. Victims from Benin, Burkina Faso, Cameroon, Ghana, Mali, Nigeria, and Togo are exploited in sex and labor trafficking in Niger. Nigerien boys are subjected to forced labor, including forced begging, within the country and in Mali and Nigeria by corrupt *marabouts*. Corrupt *marabouts* or loosely organized clandestine networks may also place Nigerien girls into domestic servitude or commercial sex. Nigerien children are subjected to forced labor in gold, salt, iron, and gypsum mines; agriculture; stone quarries; and manufacturing within the country. Girls are subjected to sex trafficking along the border with Nigeria, sometimes with the complicity of their families. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as "fifth wives" and subject them to forced labor and sexual servitude, a practice known as *wahaya*; their children are born into slave castes. "Fifth wives" are typically sold between the age of 9 and 11 years old. 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. Some girls in forced marriages may be exploited in commercial sex after fleeing these nominal unions. Nigerien girls reportedly travel abroad to enter into "marriages" with Nigerian men or foreign citizens living in Saudi Arabia and the United Arab Emirates and are subjected to domestic servitude in these countries. In Algeria, Nigerien children were forced to beg and Nigerien women and girls were vulnerable to sex trafficking.

Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe where they are subjected to domestic servitude, sex trafficking, or forced labor in agriculture or animal herding. Some migrants were suspected to be traffickers,

particularly Nigerien migrants to Algeria. Traffickers operated primarily small, freelance operations in loosely organized networks of individuals, including some *marabouts*. Some women have been accused of managing trafficking rings, although they may have been trafficking victims themselves. Some women are complicit in the exploitation of children, accepting payment from traffickers who run forced street-begging operations. There have been reports of freelance businesspeople (both men and women) and informal travel agencies that recruit women to the Middle East or to northern Nigeria for sex trafficking or domestic servitude. Niger is a transit country for men, women, and children from West and Central Africa migrating to North Africa and Western Europe, where some are subjected to forced labor or sex trafficking. Additionally, some migrants are subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or as staff in bars and restaurants. The terrorist organization Boko Haram forcibly recruited Nigerien children during the reporting period. In some instances, law enforcement and border officials have accepted bribes from traffickers to facilitate the transportation of victims through the country.