

## **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 reporting law enforcement and victim identification data for the first time in three years, increasing anti-trafficking training for law enforcement officials and judges, and expanding outreach and awareness programs that included civil society, religious leaders, journalists, and security forces. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not report investigating, prosecuting, or convicting any individuals for traditional slavery practices. Victim protection services remained inadequate and the government has not formalized its standard operating procedures to identify or refer trafficking victims to care. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Niger was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Niger remained on Tier 2 Watch List for the third consecutive year.

### **RECOMMENDATIONS FOR NIGER**

Vigorously investigate, prosecute, and convict traffickers, including those engaged in traditional slavery practices, using the 2010 anti-trafficking law; increase training for law enforcement and judicial officials throughout the country on the anti-trafficking law; increase coordination with regional, sub-regional, and international organizations to investigate and prosecute international trafficking cases, separate from smuggling cases; fully adopt and implement systematic procedures for the proactive identification of trafficking victims—especially among vulnerable populations, such as children exploited in sex trafficking, women and girls born into slave castes, and children at worksites—and their subsequent referral to care; direct the Ministry for the Promotion of Women and the Protection of Children to increase efforts to provide support to victims of trafficking, and more closely collaborate with NGOs; provide victims with information about their rights and support victims of trafficking, including forced labor and traditional slavery practices, 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; proactively identify and refer victims of traditional slavery practices to services; raise public awareness about the anti-trafficking law, specifically targeting vulnerable populations, religious leaders, and traditional chiefs; work with international organizations to draft and implement a revised national action plan to combat trafficking in persons; and develop a system among law enforcement, judicial officials, NGOs, and civil society actors to track suspected human trafficking cases and prosecution and protection data.

## **PROSECUTION**

The government maintained prosecution efforts; it reported law enforcement statistics for the first time in three years. Order No.2012-86 on Combating Trafficking in Persons, enacted in 2010, criminalized sex and labor trafficking, including slavery, practices similar to slavery, and exploitative begging. This law prescribed sufficiently stringent punishments of five to 10 years imprisonment for committing trafficking offenses against adults and 10 to 30 years when the victim was a child. Penalties for child sex trafficking were commensurate with those prescribed for other serious crimes, such as rape, but those prescribed for sex trafficking of adults were not. Article 270 of the penal code also criminalized slavery and prescribed penalties of 10 to 30 years imprisonment. The labor code, enacted in September 2012, criminalized forced labor, prescribing penalties of two to five years imprisonment or a fine.

The government reported investigating 29 suspected traffickers, one prosecution, and no convictions during the reporting period, compared with zero reported investigations, prosecutions, or convictions during the previous two reporting periods. The government did not make progress in addressing impunity for *marabouts*, teachers at Quranic schools, who forced children to beg, or customary chiefs who facilitated traditional slavery practices, including the enslavement of children. There was 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. A lack of judicial capacity and limited government budgets resulted in prosecutorial delays and unfulfilled victim protection requirements of the 2010 anti-trafficking law.

In 2017, the government trained police, prosecutors, and judges on the national trafficking law and victim protection. The government coordinated with INTERPOL in a regional anti-trafficking operation. During this operation, the National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (ANLTP/TIM) reported that Nigerien law enforcement officials identified a fraudulent employment agency placing Nigerien women in Middle Eastern countries; the investigation of this agency remained ongoing at the end of the reporting period. ANLTP/TIM provided training and written materials to law enforcement personnel on proactive identification of trafficking victims. Additionally, two trainings in February 2017 involved 40 judges and focused on differentiating between human trafficking and migrant smuggling cases. A workshop in November 2017 in Niamey brought together 20 judges for an information exchange focused on prosecuting traffickers under current legal frameworks.

There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking or trafficking-related criminal activities; however, corruption and official complicity in trafficking crimes remained concerns and may have impeded law enforcement action during the year. Extreme poverty across the country further exacerbated law enforcement challenges, as many border officials were reportedly not adequately resourced. The UN investigated Nigerien peacekeepers for sexual exploitation in two countries; investigators determined that Nigerien peacekeepers serving in an African nation sexually exploited two adults in 2015. The government did not provide an update on the outcomes of the two cases.

## **PROTECTION**

The government increased efforts to identify victims, but protection efforts remained inadequate. The government did not compile comprehensive victim identification and assistance statistics, although it did leverage partnerships with international organizations to overcome resource constraints and provide services to victims. The Ministry of Justice (MOJ) reported identifying 108 victims in the course of law enforcement operations, a change from the lack of victim identification data reported by the government during the previous two reporting periods. The government did not report whether it referred these victims to care.

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. ANLTP/TIM developed a national referral mechanism, which remained pending ratification by the National Assembly at the close of the reporting period. The government did not provide any specialized services for adult victims or victims of hereditary slavery. The government partnered with NGOs and international organizations to provide services to victims and provided in-kind support, including building space, land, and professional staff, to support an international organization in Agadez, and funded research related to traditional slavery with one NGO. International organizations and NGOs provided services to 193 trafficking victims, but had limited capacity to provide shelter or long-term services to all victims. Due to budget constraints, law enforcement officials commonly lacked resources to provide shelter and services, which decreased their ability to identify victims and reduced the government's ability to encourage victims of trafficking to assist in investigations and prosecutions.

Victims of forced labor and caste-based servitude could file civil and criminal complaints simultaneously; however, there were no reports they did so during the reporting period. The MOJ and the Office of the Administration of Prisons, with limited support from international organizations, operated treatment and transition centers for child soldiers formerly affiliated with Boko Haram and ISIS-West Africa. In 2017, 52 minors attended the center, and 51 had been reunited with their families. The MOJ provided limited vocational training and psychological support to children. There were no reports that the government penalized victims for unlawful acts committed as a result of being trafficked; however, some victims may have remained unidentified in the law enforcement system due to the failure to employ systematic measures to identify trafficking victims among vulnerable populations.

The law provided for the possibility of granting victims legal residency in Niger, including the ability to obtain employment, if it is unsafe for them to return to their countries of origin. The ANLTP/TIM reported that Algeria deported more than 8,200 migrants to Niger, including 1,998 children, during the year. The government coordinated with an international organization to provide temporary shelter, food, and primary health care before assisting in the return of both Nigerien citizens and non-Nigeriens to their home regions and countries. The ANLTP/TIM identified 58 trafficking victims among the more than 8,200 migrants, but did not report providing services to those victims.

## **PREVENTION**

The government marginally increased efforts to prevent trafficking. The National Coordinating Commission for the Fight against Trafficking in Persons continued to serve as the coordinating body for the government's anti-trafficking efforts, and the ANLTP/TIM was the government's permanent implementing body to address trafficking in persons, although budget constraints impeded anti-trafficking efforts. The ANLTP/TIM increased its public awareness campaigns and used multiple media platforms to familiarize the public with trafficking, and partnered with an Islamic cleric to address the common issue of *marabouts* using children for forced labor and begging, in addition to traditional slavery practices. The government increased public engagement around its annual September 28 anti-trafficking day events, which featured government officials on radio and television to raise awareness of the crime. The government may have shut down or charged labor recruiters or brokers who recruited workers with knowingly fraudulent offers of employment or job placement. The government took no discernible measures to address the demand for forced labor or commercial sex acts. The government was in the final year of its five-year national action plan to combat trafficking in persons, but implementation was an issue due to funding constraints.

The ANLTP/TIM expanded its national engagement with prosecutors' offices, improving its collection of trafficking statistics and law enforcement coordination across the country, and partnered with an international organization to study forced begging. The government did not take measures to establish the identity of local populations, although the majority of Nigeriens lacked valid identity documents, the lack of which increased individuals' vulnerability to trafficking. The government increased monitoring of its borders. Bylaws governing the armed forces required 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 report providing anti-trafficking training for its diplomatic personnel.

## **TRAFFICKING PROFILE**

Niger is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Traditional slavery practices perpetuated by politically powerful tribal leaders continue primarily in the northern part of the country. No reliable estimate exists of the number of traditional slaves in the country, though a study in 2003 estimated traditional slavery may affect some 40,000 people.

Victims from West and Central Africa are exploited in sex and labor trafficking in Niger. Nigerien boys are subjected to forced labor, including forced begging, within the country and in neighboring countries, especially by corrupt *marabouts*. Loosely organized clandestine networks may also place Nigerien girls into domestic servitude. Nigerien children are subjected to forced labor in gold, salt, iron, and gypsum mines; agriculture; stone quarries; and manufacturing within the country. In the Tahoua region of Niger, girls born into slavery are sold or given as gifts to men as “fifth wives,” a status in which they are subject to forced labor and sexual servitude, a practice known as *wahaya*; their children are then born into slave castes which perpetuates the cycle. Traditional chiefs play a primary role in this form of exploitation by arranging “marriages” for other powerful individuals. Some girls in forced marriages may be exploited in commercial sex after fleeing these nominal unions. In Algeria, Nigerien children are forced to beg and Nigerien women and girls are 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 traveling with children unrelated to them. Traffickers operated primarily small, freelance operations in loosely organized networks of individuals. There have been reports of freelance businesspeople (both men and women) and informal travel agencies recruiting women for exploitation in sex trafficking or domestic servitude in the Middle East or northern Nigeria.

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. Increasingly, West African migrants fall victim to traffickers while transiting Niger en route to Libya and Europe. Niger’s implementation of its 2015 anti-smuggling law has forced the previously open (albeit illicit) transportation industry underground, which has increased migrants’ vulnerability to forced labor or sex trafficking. Nigerian women are transported into neighboring West African countries, and are exploited in sex trafficking inside Niger, especially in northern mining cities or in transportation centers. In some instances, law enforcement and border officials reportedly accepted bribes from traffickers to facilitate the transportation of victims through the country. Boko Haram and ISIS-West Africa forcibly recruit Nigerien boys and girls to serve as child soldiers. According to several reports, the Government of Niger provided

some limited material and logistical support within Niger to the Imghad Tuareg and Allies Self-Defense Group (GATIA). GAITIA has been reported to recruit and use child soldiers.