

Niger (Tier 2)

The Government of Niger does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Niger was upgraded to Tier 2. These efforts included convicting more traffickers; training more law enforcement officers, justice sector personnel, local officials, and civil society members to recognize trafficking indicators and investigate trafficking cases; coordinating with traditional leaders to house children removed from forced labor; increasing its public awareness campaigns using multiple media platforms; partnering with an Islamic cleric to address the common issue of marabouts using children for forced labor in begging; and addressing issues related to traditional slavery practices. However, the government did not meet the minimum standards in several key areas. Government security forces coordinated military operations alongside an armed group that recruited and used child soldiers in 2018. The government did not report investigating, prosecuting, or convicting any individuals for traditional slavery practices. Victim protection services remained inadequate and the government's efforts remained nascent to implement its national referral mechanism for standardizing victim identification and referral procedures.

PRIORITIZED RECOMMENDATIONS:

Cease all coordination with, and provision of support to, any armed groups that recruit and use child soldiers. • Increase investigations, prosecutions, and convictions of traffickers, including those engaged in traditional forms of caste-based servitude and hereditary slavery, by training additional law enforcement and first responders on the 2010 anti-trafficking law and the 2003 anti-slavery law. • Increase coordination with regional, sub-regional, and international law enforcement organizations to investigate and prosecute transnational trafficking cases, separate from smuggling cases. • Disseminate and implement the national referral mechanism to increase proactive victim identification. • Amend the 2010 anti-trafficking law to increase the base penalties for adult sex trafficking so they are commensurate with those for rape or kidnapping. • Increase the quantity and quality of services available to victims in coordination with international and multilateral organizations, as well as NGOs.

PROSECUTION

The government increased prosecution efforts. Order No.2010-86 on Combating Trafficking in Persons, enacted in 2010, criminalized all forms of sex trafficking and labor trafficking. This law prescribed sufficiently stringent punishments of five to 10 years' imprisonment for trafficking offenses involving adult victims and 10 to 30 years when the victim was a child. Penalties for sex trafficking of children were commensurate with those prescribed for other serious crimes, such as rape, although the penalties for sex trafficking of adults were not. In February 2019, the High Court established a legal precedent finding the practice of wahaya, traditionally linked to hereditary slavery, to be illegal.

The government reported investigating 28 suspected traffickers, prosecuting 27 cases involving 27 suspects, and convicting 11 traffickers under its 2010 anti-trafficking law during the reporting period, compared with investigating 29 suspects, prosecuting one case involving one suspect, and convicting zero traffickers during the previous reporting period. Authorities released some sentencing details related to the 11 convictions in 2018; officials reported sentencing one trafficker to seven years' imprisonment and a fine of 100,000 West African CFA franc (FCFA) (\$176), and six traffickers in Agadez to one year incarceration and other cases to fines of 100,000 FCFA (\$176). The government did not report investigating or prosecuting any marabouts (Quranic school teachers) who forced children to beg, or traditional chiefs who perpetuated hereditary 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 resources to seek punitive action against their traffickers. Limited government resources resulted in prosecutorial delays and unfulfilled victim protection requirements of the 2010 anti-trafficking law; victims rarely participated as witnesses due to limited government resources to support victim engagement. The National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (ANLTP/TIM) provided training on Niger's anti-trafficking law, methods to improve governmental coordination, and investigative techniques to more than 319 law enforcement and security personnel, justice sector officials, and civil society actors in 2018, compared with training approximately 60 officials in 2017.

Authorities did not report investigating, prosecuting, or convicting government officials for complicity in trafficking crimes; however, corruption and official complicity in trafficking crimes remained concerns and may have impeded law

enforcement action during the year. Government security forces coordinated with the Malian paramilitary group Imghad Taureg and Allies Self-Defense Group (GATIA), which recruited and used child soldiers in 2018.

PROTECTION

The government maintained efforts to identify victims, but overall protection efforts remained inadequate. The government did not compile comprehensive victim identification and assistance statistics, although the ANLTP/TIM reported law enforcement officials identified more than 70 victims in 2018 (primarily women and girls from Benin and Nigeria), a decrease from identifying 108 victims during the previous reporting period. The ANLTP/TIM referred victims to an international organization it gave in-kind support to and worked with traditional leaders to house children removed from forced labor circumstances.

In February 2019, the government collaborated with civil society actors and international organizations to validate a comprehensive national referral mechanism; however, officials did not disseminate or implement the referral mechanism. The referral mechanism identified roles for prosecutors, judges, law enforcement, labor inspectors, diplomats, international organizations, NGOs, and union actors. The government did not report providing any specialized services for victims of trafficking, including victims of hereditary slavery. Due to budgetary constraints, officials commonly lacked resources to provide shelter and services for victims, reducing the government's ability to encourage victims 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. There were no reports officials penalized victims for unlawful acts traffickers compelled them to commit; however, some victims may have remained unidentified and subsequently penalized due to the government's 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 was unsafe for them to return to their countries of origin. Multilateral organizations reported Algeria deported thousands of migrants to Niger during the year—including more than 2,000 children who were vulnerable to trafficking due to their lack of economic security and access to justice. The government coordinated with an international

organization to provide temporary shelter, food, and primary health care to migrants before assisting in the return of both Nigerien citizens and non-Nigeriens to their home regions and countries.

PREVENTION

The government increased efforts to prevent trafficking. The National Coordinating Commission for the Fight against Trafficking in Persons (CNCLTP) 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 and coordination challenges with international organizations impeded certain anti-trafficking efforts. The government worked with international and multilateral organizations to draft an updated national action plan to improve coordination across ministries and service providers, although it had yet to finalize the plan as of March 2019. The ANLTP/TIM continued to expand its national engagement with prosecutors' offices, improving its collection of trafficking statistics and law enforcement coordination across the country. In spite of severe resource constraints, the government increased funding to the CNCLTP and ANLTP/TIM from 69.6 million FCFA (\$122,390) in 2017 to 73.58 million FCFA (\$129,390) in 2018.

The ANLTP/TIM increased its public awareness campaigns and used multiple media platforms across Niger to familiarize the public with trafficking and the risks of irregular migration to Europe. In 2018, ANLTP/TIM officials partnered with an Islamic cleric to address the common issue of marabouts using children for forced labor in begging. The government increased public engagement around its annual September 28 anti-trafficking day events for the fourth straight year, featuring senior officials from the Ministry of Justice, Ministry for Women's Promotion and Children's Protection, and the Ministry of Health, in addition to traditional leaders and representatives from media outlets. The ANLTP/TIM held a workshop in June 2018 to familiarize 40 senior government administrators, six regional leaders (groupements), five village chiefs, two National Guardsmen, two police officers, eight representatives from the transportation sector, and four leaders of women and youth organizations on the risks of trafficking and traditional slavery practices. The government did not make efforts to reduce the demand for commercial sex acts.

The Ministry of Justice supported programming in 2018 to provide six million identity documents to an unspecified number of previously undocumented

Nigeriens, thereby decreasing their vulnerability to trafficking. ANLTP/TIM officials provided training to staff from the Economic Community of West African States and international organizations, increasing their understanding of human trafficking trends in Niger. In 2018, border officials screened irregular migrant populations for signs of trafficking, identifying at least 41 potential victims. 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 Ministry of Foreign Affairs sent trafficking-related guidance to its missions abroad, but did not report providing training for diplomats prior to their departure.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Niger, and traffickers exploit victims from Niger abroad. Hereditary and caste-based slavery practices perpetuated by politically influential tribal leaders continued, although no reliable estimate exists of the number of traditional slaves in the country in 2018. An NGO specializing in assisting victims of hereditary and caste-based slavery reported most victims do not self-identify or file complaints against their traffickers because of a lack of reintegration services and ingrained dependency on their trafficker.

Traffickers in Niger exploit West and Central African victims in sex and labor trafficking. Exploitative Quranic school teachers (marabouts) subject boys to forced labor, including forced begging, within Niger and in neighboring countries. Traffickers subject Nigerien children and children from neighboring countries to forced labor in gold, salt, trona, and gypsum mines; agriculture; stone quarries; and manufacturing within the country. In the Tahoua region of Niger, influential chiefs facilitate the transfer of girls from impoverished families to men as “fifth wives” for financial or political gain. This practice—known as wahaya—results in girls as young as nine being exploited in forced labor and sexual servitude; their children are then born into slave castes, perpetuating the cycle of slavery. Girls fleeing these forced marriages are vulnerable to traffickers who exploit them in commercial sex due to a lack of reintegration support exacerbated by continued discrimination based on their former status as wahayu. In Algeria, traffickers force Nigerien children to beg and subject Nigerien women and girls to sex trafficking. Criminals exploit girls in sex trafficking along the border with Nigeria.

Traffickers fraudulently recruit Nigerien women and children and transport them to Nigeria, North Africa, the Middle East, and Europe where they subject victims to domestic servitude, sex trafficking, or forced labor in the agricultural sector. Some Nigerien migrants traveling with unrelated children to Algeria were suspected to be traffickers. Impoverished seasonal migrants—commonly from the Zinder region—traveling to Algeria for agricultural work were also vulnerable to forced labor and sexual exploitation. Traffickers in Sudan exploit Nigerien and other West African children in forced begging rings. Nigerien traffickers primarily operate small, freelance operations in loosely organized networks. There have been reports of businesspeople 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. West African migrants fall victim to traffickers while transiting Niger en route to Libya or through Algeria and Morocco to reach Europe. European support for the government's implementation of its 2015 anti-smuggling law, intended to limit irregular migration through Niger, has forced previously open (albeit illicit) migration underground and increased migrants' vulnerability to forced labor or sex trafficking by criminal networks. Criminals transport both Nigerien and Nigerian women into neighboring West African countries, and exploit them 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 to serve as child soldiers, girls into forced marriages, and minors to serve as suicide bombers. According to reports, government security forces coordinated military operations with GATIA within Niger; GATIA forces recruited and used child soldiers in 2018.