

## **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 remained on Tier 2. Officials investigated and prosecuted more suspected traffickers and identified more victims. The government increased funding for the second consecutive year to the National Coordinating Commission for the Fight against Trafficking in Persons (CNCLTP) and the National Agency for the Fight against Trafficking in Persons and the Illicit Transport of Migrants (ANLTP/TIM). It opened and staffed the government's first shelter specifically for trafficking victims with funding from a partner and ceased coordinating with the Malian paramilitary group, Imghad Tuareg and Allies Self-Defense Group (GATIA), which recruited and used child soldiers in 2019. However, the government did not meet the minimum standards in several key areas. Niger's law did not include penalties for adult sex trafficking commensurate with those for other serious crimes, such as rape. The government did not report investigating, prosecuting, or convicting individuals for traditional slavery practices, victim protection services remained unavailable for many victims, and the government did not disseminate or implement its national referral mechanism for standardizing victim identification and referral procedures.

### **PRIORITIZED RECOMMENDATIONS:**

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 efforts to investigate and prosecute trafficking offenses, convict traffickers, and sentence convicted traffickers to adequate penalties, including those engaged in traditional forms of caste-based servitude and hereditary slavery. • Train 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 and referral to services. • Increase the quantity and quality of services available to victims, especially outside of Niamey, in coordination with international and multilateral organizations, as well as NGOs and civil society

organizations. • Partner with civil society to expand awareness of trafficking throughout the country and enhance the ability of community members to identify the crime and report it to law enforcement officers. • Continue to fund and empower the CNCLTP and ANLTP/TIM to execute their mandates.

## **PROSECUTION**

The government increased prosecution efforts. Order No.2010-86 on Combating Trafficking in Persons, enacted in 2010, criminalized sex trafficking and labor trafficking. This law prescribed penalties of five to 10 years' imprisonment for trafficking offenses involving an adult victim, and 10 to 30 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent. 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.

During the reporting period, the government investigated and prosecuted 54 suspected traffickers, compared with investigating 28 suspects and prosecuting 27 cases during the previous year. Courts convicted four traffickers under its 2010 anti-trafficking law during the reporting period and sentenced two traffickers to two years' imprisonment and the other two traffickers to five years' imprisonment and a 500,000 West African CFA francs (FCFA) (\$860) fine. During the previous reporting period, authorities convicted 11 traffickers. Additionally, law enforcement officials collaborated with an international organization in January 2020 to arrest 18 suspected traffickers in Niamey; investigations were ongoing at the end of the reporting period. The government did not report investigating or prosecuting any *marabouts* (Quranic schoolteachers) who forced children to beg, or traditional chiefs who perpetuated hereditary slavery practices, including the enslavement of children, despite credible information such practices continued.

Some victims continued to lack access to justice, as many were uninformed about their legal rights and faced challenges in accessing the necessary resources to seek punitive action against their traffickers. Unfulfilled victim protection requirements of the 2010 anti-trafficking law, due in part to limited government resources, resulted in victims inconsistently participating as witnesses and prosecutorial delays. ANLTP/TIM provided training on Niger's anti-trafficking law, methods to improve governmental coordination, and investigative techniques to more than 425 law enforcement and security personnel, justice sector officials, civil society

actors, and journalists in 2019, compared with training approximately 319 officials in 2018. 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.

## **PROTECTION**

The government increased efforts to identify victims and refer them to care. The government did not compile comprehensive victim identification statistics nor did it have standard operating procedures (SOPs) for victim identification. Despite the lack of SOPs, the government reported identifying 53 victims in 2019. In 2019, border officials screened irregular migrant populations for signs of trafficking, identifying approximately 47 potential victims. Additionally, law enforcement officials in Niamey identified 232 victims (primarily Ghanaian men and Nigerien children) in January 2020 during a joint operation with an international law enforcement organization. This was a significant increase compared with identifying 111 potential victims during the previous reporting period. Officials did not report disseminating or implementing the referral mechanism (finalized in February 2019) during the reporting period. The referral mechanism identified roles for prosecutors, judges, law enforcement, labor inspectors, diplomats, international organizations, NGOs, and union actors.

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. The ANLTP/TIM referred an unknown number of victims to an international organization it gave in-kind support to and worked with traditional leaders to house children removed from forced labor circumstances. The government partnered with a donor to open Niger's first shelter for trafficking victims in July 2020; authorities referred seven victims to the shelter during the reporting period, which had the capacity to accommodate 40 victims. Government officials manage and staff the shelter, provide victims medical, psycho-social, and legal services, and coordinate with an international organization to deliver individualized reintegration assistance to victims to facilitate their return to their country of origin. Additionally, international organizations reported the Ministry for Women's Promotion and Children's Protection referred victims to appropriate shelter during the reporting period.

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; authorities did not report granting these protections to victims during the reporting period.

## **PREVENTION**

The government increased efforts to prevent trafficking. During the reporting period, the government ceased coordinating with the Malian paramilitary group GATIA, which recruited and used child soldiers in 2019. 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. The government increased funding to the CNCLTP and ANLTP/TIM for the second consecutive year from 73.5 million FCFA (\$126,290) in 2018 to 117 million FCFA (\$201,030) in 2019. Despite this increase, budget constraints and coordination challenges with international organizations impeded some anti-trafficking efforts related to training. In July 2019, the president signed legislation establishing Child Protection Committees to operate at the community level to raise awareness of child exploitation and abuse, including child trafficking, across the country. 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.

The ANLTP/TIM continued to implement 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. The government expanded its public engagement around its annual September 28 anti-trafficking day events for the fifth consecutive year, featuring senior officials from the Ministry of Justice, Ministry for Women's Promotion and Children's Protection, and the Ministry of Public Health, in addition to traditional leaders and representatives from media outlets. The ANLTP/TIM held a workshop in June 2019 to familiarize 33 senior government administrators, seven regional leaders

(*groupements*), nine village chiefs, four National Guardsmen, two police officers, five representatives from the transportation sector, and eight leaders of women and youth organizations on the risks of trafficking and traditional slavery practices. In addition, ANLTP/TIM partnered with an international organization to conduct a training workshop on human trafficking and migrant smuggling for twenty magistrates of the Courts of First Instance (ten investigating judges and ten juvenile judges) during the reporting period.

The government did not make efforts to reduce the demand for commercial sex acts. 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 disseminated 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 in 2019. Anecdotal reports indicate some Arab, Zarma, and Tuareg ethnic groups propagate traditional forms of caste-based servitude in western and northern regions, as well as along the border with Nigeria. An expert stated victims of hereditary slavery frequently do not self-identify or file complaints against their traffickers because of a lack of reintegration services and ingrained dependency on their trafficker. 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 some community members exploiting girls as young as nine in forced labor and sexual servitude; *wahayu* 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*. Another form of traditional bondage known as “passive” slavery consists of powerful community members preserving complete control of their former servants’ individual freedoms.

Traffickers in Niger predominantly exploit Nigerien children and women, as well as West and Central African victims in sex and labor trafficking. Some Quranic schoolteachers (*marabouts*) exploit boys (*talibés*) in forced labor and begging within Niger, as well as in neighboring countries. Transnational criminal groups force Nigerien and neighboring countries' children to labor in gold, salt, trona, and gypsum mines; agriculture; stone quarries; markets; bus stations; and manufacturing within the country. Criminals exploit girls in sex trafficking along the border with Nigeria. Brothel owners in Niger sexually exploit some women from Nigeria in the country and during their transit to North Africa.

Illicit labor recruiters facilitate the transport of Nigerien women and children to Nigeria, North Africa, the Middle East, and Europe where traffickers then exploit victims in sex trafficking or forced labor in domestic service or the agricultural sector. During the reporting period, fraudulent labor recruiters used online job postings to entice Ghanaian men to travel to Niamey, where the recruiters then confiscated the job seekers' identity documents and restricted their liberty. Impoverished seasonal migrants—commonly from the Zinder region—traveling to Algeria for agricultural work were also vulnerable to forced labor and sexual exploitation. Observers note Nigerien trafficking networks became more sophisticated over the course of 2019 in response to increased government enforcement efforts as well as rising instability motivating individuals to migrate irregularly.

Niger is a transit country for men, women, and children from West and Central Africa migrating through Algeria, Libya, and Morocco on to Western Europe, where some duplicitous transporters—or  *passeurs*—may exploit smuggling clients in forced labor or sex trafficking. EU support for the government's implementation of its 2015 anti-smuggling law, intended to limit irregular migration through Niger, has forced previously open (albeit undocumented) 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. Media noted some 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, porters, cooks, firewood collectors, watch standers, cattle herders, and other support roles.