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**PRE-SITUATIONAL ANALYSIS REPORT-NIGER**

**Chapter 6: Analysis of Niger**

**List of Acronyms**

**ACTN**: Association of Traditional Chiefs of Niger

**ANDDH** : Nigerian Association for the Defense of Human Rights

**ANLTP-TIM** : National Agency to Combat Trafficking in Persons and Illicit Trafficking in Migrants

**BIT** : International Labour Organization

**CEDEAO** : Economic Community of West African States

**CIT** : International Labour Conference

**CNDH**: National Human Rights Commission

**CNLTP** : National Commission to Combat Trafficking in Persons

**EPAD** : School Sponsorship Action and Development. A national NGO

**EPU** : Universal Periodic Review

**INS** : Institut National de la Statistique

**METPS** : Ministry of Employment, Labour and Social Protection

**OIT** : International Labour Organization

**PAN** : National Action Plan

**PNUD** : United Nations Development Programme

**PTF** : Technical and Financial Partners

**Tanafili** : National association working in the fight against slavery in Niger

**Timidria** : National Association for the Defence of Human Rights and Development

**UN** : United Nations

**USDOL** : United States Department Of Labor

**Introduction**

The forced labor and discrimination that many Nigeriens suffer are the legacy of very old slavery practices that still persist today. In Niger, many studies have focused on forced labor, particularly slavery. This practice destabilizes the social fabric and consequently hinders societal development. There are many academic publications and testimonies from historians, anthropologists, sociologists, psychologists and others that have clearly demonstrated the existence of slavery in Niger. These publications describe and assess the origins and dimensions of slavery as well as the obstacles in eradicating this evil practice at the dawn of the 3rd millennium (ILO, 2009).

According to the study carried out by Mr. Moussa Oumarou in 2018 (former Minister of Public Service and Labor of Niger) and financed by the ILO which aimed at identifying obstacles to the implementation of fundamental principles and rights at work, the causes of slavery are ignorance, illiteracy, absolute poverty, a lack of social mobility, the geographical division of pastoral areas by tribes and into different villages, and the shortcomings of the legislation in force.

Although forced labor is a well-known social problem in most of the neighboring countries, in Niger it is still very much a taboo. It has been a struggle to break this taboo of many Nigeriens as Moustapha Kadi, the author of the novel "Broken Taboo", published in 2006 mentions in his book. His novel deals with slavery and trafficking in Africa with a particularly focus on Niger. In 2007, Professor André Salifou also published a study on slavery in Niger which was carried out by Timidria in 2002 and supported by Anti-Slavery International which led to the publication “Slavery in Niger: Historical, Legal and Contemporary Perspectives”, edited by Dr. Galy Abdelkadir Adam. The role of the colonial and post-colonial administration in contributing slavery in Niger was also assessed.

Fortunately, as of May 5th, 2003, progress has been made since the Nigerien Parliament adopted a law criminalizing slavery (Law 2003-25 of 13th June 2003). Besides criminalization, however, the eradication of slavery will only be possible with a successful socio-economic integration of freed slaves. The Bridge Project plans to make its contribution to the fight against slavery in Niger by supporting the socio-economic integration of freed slaves.

This document will define the phenomenon of slavery in accordance with the criminal code and related application procedures, the different types of slavery prevalent in Niger and where they are practiced, the aspects of trafficking in persons in Niger and the international instruments ratified by Niger.

**6.1 International Standards on forced Labor**

Niger has ratified the following ILO conventions on forced labor:

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| **International Standards** | **Ratification date:** |
| Forced Labor Convention, 1930 (No. 29) | February 27th 1961 |
| Abolition of the Forced Labor Convention, 1957 (No. 105) | March 23rd 1962 |
| Protocol of 2014 to the Forced Labor Convention, 1930 | June 5th 2015 |

Besides the UN Palermo Protocol to Prevent and Punish Trafficking in Persons, Niger is a signatory to the eight (8) fundamental ILO conventions on the fundamental principles and rights at work. At the African and sub-regional level, Niger has ratified many conventions related to the promotion of human rights and the fight against forced labor, slavery in all its forms and trafficking in persons. Niger was (on June 5th, 2015) the first country to ratify the 2014 [Protocol to the Forced Labor Convention](http://www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029) No. 29 giving new impetus to the global fight against forced labor, including human trafficking and slavery-like practices. According to Guy Ryder (ILO Director-General) *"This is a historic moment: by being the first country to ratify the Protocol, Niger has ensured that the Protocol is well on the way to entering into force. This gives hope to the millions of women, children and men still trapped in modern slavery. I hope that many more countries will soon follow Niger’s example and ratify the Protocol as part of our joint effort to eradicate forced labour once and for all,"* he said at a ceremony to mark the ratification in Geneva.

**Other important International Standards**

In addition, Niger is a signatory to several other conventions in the fight against forced labor, slavery and similar practices in all its forms, including the following:

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| **Other International Standards** | **Ratification date:** |
| The Convention for the Suppression of the Traffic in Women of Full Age adopted in Geneva on October 11th, 1933. | It came into force on September 15th, 1934 (succession of Niger was on August 25th, 1961) |
| The Abolition of Forced Labor Convention, 1957 (No. 105) | Ratified in 1962 |
| The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. | Niger acceded to it on July 22nd, 1963 |
| The protocol amending the Convention on Slavery signed in Geneva on September 25th, 1926, approved by the UN General Assembly in its resolution 794 of October 23rd, 1953 | Ratified on July 7th December, 1964 |
| ILO Convention 138 on Minimum Age for Admission to Employment | Entered into force on 19th June, 1976 |
| Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others | Accession of Niger on 10th June, 1977 |
| The African Charter on the Rights and Welfare of the Child, December 11th, 1996 | Ratified on 11th December, 1996 |
| ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour | Ratified on August 14th, 2000 |
| The ECOWAS Declaration of Heads of State on the fight against trafficking | Ratified in 2001 |
| The ECOWAS Convention on Mutual Legal Assistance | Ratified on October 25th, 2001 |
| The United Nations Convention on Transnational Organized Crime (CTO) | Ratified on September 30th, 2004 |
| The Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | Ratified on September 30th, 2004 |
| The ECOWAS Convention on Extradition, April 28th, 2005 | Ratified on April 28th, 2005 |
| The multilateral agreement on cooperation against child trafficking in West Africa signed by Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo, in Abidjan, Côte d'Ivoire | Signed on July 27th, 2005 |
| The ECOWAS/ECCAS Joint Regional Plan of Action against Trafficking in Persons, particularly women and children in West and Central Africa (2006-2009) | Signed in 2006 |
| The ECOWAS/ECCAS multilateral agreement on regional cooperation to combat trafficking in persons, especially women and children in West and Central Africa in Abuja | Signed on 06 July 2006 |
| ECOWAS Action Plans on Combating Trafficking in Persons, Especially Women and Children (2008-2011) | Signed in 2008 |
| The Protocol against the Smuggling of Migrants by land, air and sea, additional to the United Nations Convention against Transnational Organized Crime - Palermo (Italy) | Ratified on January 18th, 2009 |

**Awareness, Publication and dissemination of International Instruments**

Niger has conducted a series of awareness raising campaigns on the abovementioned international conventions aimed at parliamentarians and civil society organizations who work on slavery and related issues. These awareness raising activities have not been sufficient, however, and have not reached large parts of the population.

**Findings**

Awareness of these international legal instruments does not extend to all sectors. While they have been signed and ratified by Niger, there is a lack of ownership at the national and regional level. Efforts have been made by some civil society organizations and associations to draw up compilations of legal texts in the fight against forced labor including slavery (for instance, a legal guide drawn up by Timidria for the Nigerien people). The Special Rapporteur of the United Nations Secretary-General on Contemporary Forms of Slavery, who came to Niger on mission in 2015, recommended that awareness be raised regarding the international legal instruments ratified by Niger to combat slavery in all its forms.

**Risks and Assumptions**

The ratification of the 2014 Protocol to the Forced Labour Convention No. 29 is an opportunity for Niger to raise awareness of this and all other ratified instruments with a view to effectively combating forced labor, including slavery. The adoption of the 2003 law on the criminalization of slavery in Niger is a major step forward in the fight against this phenomenon. However, the existence of this law and the ratification of Conventions No. 29, 105 and the 2014 Protocol is not enough to ensure victim protection and access to justice.

### **Roles and recommendations for the Bridge Project**

The Bridge Project will contribute to raising awareness of international instruments and standards on forced labor including slavery to all stakeholders through:

* An “awareness raising caravan” which will travel around the Bridge project areas of intervention in the country to disseminate information on the phenomenon of traditional slavery in Niger and Conventions No. 29, 105 and Protocol P029.
* Including information on international standards in capacity building plans aimed at project stakeholders (civil society, social partners, etc.).
* Ensuring that workers’ and employers’ organizations are also aware of the Protocol P029 and Convention No. 29.

**6.2 National Laws addressing forced labor and child labor**

Niger has adopted the following national laws related to slavery.

**Constitution of Niger**

Article 14 of Niger’s 2010 Constitution states the following: "No one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment or punishment". It reaffirms the *right of the citizen to freedom from all forms of slavery and enshrines the principle of equality before the law without distinction on the basis of sex, social, racial, ethnic or religious origin*.

**The Penal Code**

The Penal Code has been amended to provide adequate penalties for slavery while empowering associations to defend slavery victims by filing a civil suit on their behalf.

**Anti-Slavery Law**

Another anti-slavery law was passed in 2003 that also imposes heavy fines on anyone found to be detaining slaves or people in slave like conditions.

**Ordinance No. 2010-86 on the Trafficking of Persons[[1]](#footnote-1)**

Moreover, Order No. 2010-86 of December 16th, 2010 on the fight against human trafficking has provided for prison sentences and fines against the perpetrators of slavery or practices similar to slavery (debt bondage, serfdom, etc.). Paragraph 4 of Article 10of the ordinance stipulates that, 'Whoever intentionally commits the offense of trafficking in persons shall be punished by imprisonment of five (5) to ten (10) years and fine of 500,000 to 5,000,000 francs''.

**Niger Labour Code (2012)**

The Niger Labour Code was amended (by Act No. 2012-45 of 25 September 2012) to provide further legal protection from contemporary forms of slavery. Article 4 prohibits forced or compulsory labour, rendering it punishable by a fine of 500,000 to 2 million CFA francs and/or imprisonment of two to five years .In relation to labour rights, article 5 prohibits any discrimination based on, inter alia, sex, age, national origin, race, religion, colour, political or religious opinion, social origin or disability. The labour code also prohibits the worst forms of child labour, in line with ILO Convention No. 182 (art. 107) and sets the minimum age for work, except in the case of derogation granted by decree, at 14 (art. 106). However, as mentioned by the special rapporteur in 2015, the Decree No. 67-126/MFP/T of 7 September 1967 allows for children from the age of 16 to be employed in certain types of hazardous work, which is in conflict with international standards permitting hazardous work only from the age of 18.

### **Findings**

Niger has a fairly strong national and international legal framework on the fight against forced labor including slavery. A specific law criminalizing slavery was adopted in 2003 to eradicate slavery in all its forms. Despite this law, the 2010 Constitution of Niger, the Code of Criminal Procedures, slavery continues to be practiced in some localities of Niger without the perpetrators or their accomplices being brought before a competent court. Although efforts have been made in terms of drafting the new law and signing international and regional instruments, concrete implementation in the field is problematic. It is crucial to advocate for the effective implementation of the 2003 anti-slavery law and to set up a special court that deals exclusively with the issue of slavery.

### **Risks and Assumptions**

A failure to implement the 2003 Law criminalizing slavery, to properly raise awareness of the Conventions and Protocol P029 and a failure to establish special courts to deal with slavery cases pose challenges to implementing the law. Furthermore, there is also confusion around the differences between slavery and trafficking, with the Ordinance 86-2010 on the creation of the CNLTP, defining slavery as a form of trafficking. This assimilation of slavery as a form of trafficking does not make it possible to deal with the issue in a specific way.

**Roles and recommendations for the Bridge Project**

The Immediate Objective 2 of the Bridge Project, includes a series of actions aimed at strengthening national and international policies, laws and institutions. These are:

* Development of the National Strategy to Combat Forced Labor and develop a National Action Plan on Forced Labor to be included in the CNLTP Action Plan;
* Hold a validation workshop of the national strategy against forced labor and the related action plan;
* Carry out the assessment of the capacity of the METPS with regards the coordination and implementation of relevant activities;
* Advocate for effective implementation of the 2003 Law criminalizing slavery and the establishment of special courts;
* Advocate for the inclusion of all forms of slavery and slavery-like practices in the mandate of the CNLTP;
* Training on forced labor to increase the capacity of the CNLTP.

**6.3 National policies and action plans aimed at suppressing all forms of forced labor**

The creation of the National Commission of Coordination and the Fight against Trafficking in Persons (CNLTP) is crucial for Niger as it provides regulatory framework for developing legal texts, policies and action plans for the fight against trafficking and forced labor, including slavery which will be implemented by ANLTP.

The ANLTP is the operational structure for implementing trafficking prevention measures in all its forms. Furthermore, in accordance with Article 6 of this Ordinance, the ANLTP in collaboration with the judicial and police authorities and other governmental and non-governmental bodies, regularly collects and publishes information and statistics on trafficking in persons and slavery.

The Constitution of the 7th Republic (Constitution, 2010) guarantees freedom and equality before the law without which no society can ensure cohesion and unity, or economic and social development. It is for these reasons that legal frameworks have been put in place, anti-trafficking procedures have been put in place and investigations into human trafficking cases are constantly being undertaken (INS, 2016). Trafficking in persons is one of the most severely punished criminal offenses in Niger. As previously highlighted, paragraph 4 of Article 10of the Trafficking in Persons Ordinance**[[2]](#footnote-2)** stipulates that, 'Whoever intentionally commits the offense of trafficking in persons shall be punished by imprisonment of five (5) to ten (10) years and fine of 500,000 to 5,000,000 francs''.

The ANLTP was created pursuant to the decree No. 2012-083/PRN/MJ of March 21st, 2012. The decree established the structure, membership and the terms of operation of the Agency which is an independent and autonomous administrative entity attached to the Ministry of Justice and is responsible for implementing national strategies and policies to combat human trafficking in Niger.

Civil society organizations in Niger such as TIMIDRIA, Tanafili or EPAD-Niger tend to use a community-based approach when denouncing cases of trafficking or slavery. They undertake activities aimed at the prevention through awareness raising and victim protection in relation to human trafficking, slavery and all other forms of discrimination.

* **CNCLTP National Action Plan**

The National Plan of Action against Trafficking in Persons enables the Government to meet four major commitments:

1. The first requirement results from our country's accession to the United Nations Convention against Transnational Organized Crime, known as the Palermo Protocol;
2. The second is related to our membership of the Economic Community of West African States, ECOWAS;
3. The third is to establish and maintain bilateral or multilateral relations in the context of strengthening cooperation and partnerships in the fight against trafficking in persons;
4. The fourth is to ensure the implementation of our national legislation relating to trafficking in persons and other forms of forced labor, thus guaranteeing the safety and the dignity of people within on our territory.

* **National Strategy to Combat Child Labor**

A workshop was held to validate the strategy to combat child labor in January 2018 with the technical and financial support of ILO Niger. The strategy and corresponding action plan was validated. Comments were sent to the METPS for consideration before the publication of the final document. The national strategy to combat child labor is still in the "pipeline". It is important to closely monitor the Ministry of Employment and Social Protection to ensure that the strategy for the fight against child labor is finalized and published.

* **National Action Plan of the Commission on the Fight against the Vestiges of Slavery**

Decree No. 0933/MFP/T of August 4th, 2006 provided for the establishment of a National Commission for the fight against the vestiges of forced Labor and discrimination (in accordance with ILO Conventions 29 and 111). It aims to:

* Promote decent work and fight against poverty;
* Prevent the forced labor and discrimination through poverty reduction measures in target areas
* Develop a National Action Plan based on a thorough pre-situational analysis

This commission has not been operational for more than a year now and it must be put back into action with the support of the PTFs.

* **Action Plan of the Association of Traditional Leaders in the fight against slavery**

ACTN's action plan aims to ensure that the commitment made by traditional leaders during the Forum on Forced Labor held on November 13th – 15th 2001 in Niamey is followed through. The following activities are incorporated in the plan:

* Awareness raising activities in target communities;
* Raise awareness of and promote respect for national legislation and international conventions ratified by Niger;
* Improve communication and strengthen partnerships between the Traditional Chiefdom and civil society organizations, especially human rights associations;
* Poverty reduction measures such as micro-financing income-generating activities and introducing simple technologies that reduce costs and risk in agricultural and domestic work;
* Sustainable livelihood interventions to provide freely chosen employment;
* Activities aimed at the social reintegration of victims of slavery practices.
* **Draft Decree on the establishment of a compensation fund for slavery victims in the Pipeline**

Human rights advocates and other stakeholders working on trafficking in persons and forced labor have long been calling for institutional reform and for a decree on a compensation fund for victims to be drafted. This bill was eventually drafted and submitted to the Council of Ministers by the Minister of Justice, which was rejected. The decree must be reviewed and amendments must be made in collaboration with the Nigerien authorities until a decree can finally be adopted. The Bridge project intends to support this initiative in accordance with Objective 2 of the project.

* **Establishment of a Task Force to follow up on the recommendations made by the UN Secretary-General's Special Rapporteur on contemporary forms of slavery**

Following the recommendations of the UN Secretary-General's Special Rapporteur on contemporary forms of slavery mission to Niger in 2014, a technical group was set up to ensure the implementation/consideration of the recommendations made by the said Rapporteur in her mission report. This task force or technical group is composed of:

* Professor Tidjani Alou, Chairman of the Task Force and Advisor to the Presidency of the Republic of Niger;
* Dr. Zangaou Moussa, Professor-Researcher and member of the Task Force;
* Ali Bouzou, Secretary-General of the Timidria Association and Rapporteur of the Task Force;
* Alio Daouda, Magistrate and member of the Task Force;
* Brah Mamadou Ali, Police Commissioner and member of the Task Force;
* Mrs Gogé Maimouna Gazibo, Magistrate, Director General ANLTP and member of the Task Force;
* Guisso Leilata Alfari, Minister of Employment and member of the Task Force;
* Moustapha Kadi, President Tanafili Association, Ombudsman Chief of Staff and member of the Task Force;
* Weila Alguilass, Member of the Task Force.

The Bridge project will provide capacity building to this task force and follow-up on the implementation of the recommendations made by the Rapporteur and the ILO Committee of Experts. This task force will establish a work plan and will meet quarterly to follow up.

* **IMPLEMENTATION PLAN FOR THE RECOMMENDATIONS FROM THE UNIVERSAL PERIODIC REVIEW (2017-2020) AND THE COMMITMENTS MADE BY NIGER**

Niger has set up an inter-ministerial committee headed by the Ministry of Justice and that is in charge of drafting reports for the Treaty Bodies and the Universal Periodic Review. This committee has developed a National Action Plan covering the period 2017-2020 that includes the following:

* SECTION ONE: SUBMISSION PROCESS FOR NIGER’S REPORT TO THE SECOND UPR CYCLE AND THE DEVELOPMENT OF THE NATIONAL ACTION PLAN FOR FOLLOWING UP ON RECOMMENDATIONS
* SECTION TWO: MATRIX OF THE PLAN FOR THE IMPLEMENTATION OF THE UPR RECOMMENDATIONS

This three-year action plan will enable Niger, namely the committee in charge of reporting to the treaty bodies, to better respond to the needs of the relevant government institutions.

### **Findings**

In accordance with Ordinance No. 2010-86 of December 16th 2010, the issues of slavery and forced labor fall within the scope of trafficking in its multiple forms. Therefore, it is necessary that human rights defenders and social actors working in relation to the fight against slavery and trafficking in particular, can work in synergy for the benefit of the people affected..

### **Risks and Assumptions**

The assimilation of slavery into the definition of trafficking as one of its multiple forms may be a risk to slavery victims. The definition of trafficking is much more general, and therefore it prevents the ANLTP from dealing with the specificities of slavery as they had previously requested. It is therefore essential to define and treat slavery separately from trafficking in persons, even if certain forms of trafficking can be classed as slavery.

**Roles and recommendations for the Bridge Project**

The Bridge project aims at building the capacity of constituents including government agencies, employers’ organizations and social workers on various issues relating to forced labor such as research and survey implementation, operational indicators, etc. The various action plans, policies and initiatives aimed at eradicating forced labor in Niger will be supported technically and financially by the Bridge project. It is also important to advocate for a higher level of synergy between the actions carried out by ANLTP and other actors fighting against slavery through a common understanding of the phenomenon and the integration of this issue into the mandate of the agency.

**6.4 Statistical data on forced labor and labor force in Niger**

**Statistical data on forced labor in Niger including slavery**

The ILO estimates that 21 million people are victims of forced labor in the world, generating approximately $150 billion illicit profits per year. Victims are exploited in agriculture, fishing, domestic work, construction, industry, mining and other economic sectors. Women and girls in particular are subject to sexual exploitation for commercial purposes.

Niger does not have up-to-date statistical data on forced labor and slavery. Nevertheless, a survey conducted in 2008 by the National Institute of Statistics of Niger and the ILO found that more than 59,000 adults and children, out of a total population of 13 million, were victims of forced labor, mainly in situations relating to the vestiges of traditional slavery and deeply rooted discriminatory practices.

Timidria's study suggests that slavery has undergone changes that international conventions and national laws fail to grasp. It is an ideological type of slavery that involves treating someone as a slave, despising them and showing them who is the master based on the origin of their family.

The statistics in the Timidria database estimate that there are 870,363 slaves in Niger, of which 602,650 live in the Tillabéri region and 59,492 live in the Tahoua region.

According to these statistics, women and children are victims of forced labor and slavery in the domestic work, agricultural, and farming sectors, among others. Women are victims of sexual abuse and forced marriages. The children of victims of slavery are excluded from the education system and the majority of them do not go to school at all. The few children who do go to school are removed from school early by their “masters” who make them work.

**Typology of slavery in Niger**

**Active slavery** is characterized by a landlord-tenant relationship in a setting in which the former (master) is able to exploit the desperate situation of the latter, sometimes through psychological manipulation and isolation from both.

This type of slavery is found in nomadic and pastoral societies, where the most severe forms of exploitation can be found. The type of work found in these communities includes: cleaning, cooking, caring for animals, taking care of the children of the landlord, fetching water and wood, and farming. Degrading treatment takes the form of a denial of rest time, racism, objectification and the threat and/or use of physical punishment (flogging, castration, sexual violence, and the sale/donation of the victim to another, among others). No wages are paid and the use of force is constant. Sometimes, children are separated from their parents at a young age to be sold to other families.

**Passive slavery** is characterized by a kid of caste system or “ascendency slavery”, which is systemic discrimination affecting many people in Africa and Asia (India). It is practiced by sedentary communities in most Sahelian countries of West Africa including Niger. This form of exploitation is similar to bonded labor or agricultural serfdom where the inequality of property rights leads to exploitation. The victims of this type of slavery rarely live with their “masters” under the same roof as is the case with active slavery. They usually live in "dabayes" or “slave villages” located on lands owned by the exploiters who also take a percentage of the production.

One of the characteristics of this form of exploitation is that these victims are denied property rights and many have been working the land for generations but can still be evicted at any time leaving them very vulnerable and dependent on the landowners who are very often members of the traditional chieftaincy (this situation is very common in the Dosso and Tillaberi regions).

Within these structures, workers need permission from their landowners for their children to go to school, to get married or to leave. Upon the death of the workers, it is the landowner who inherits all personal property.

This type of slavery is prevalent in the Djerma -Songhai, Fulani and Western Niger communities. Victims of this form of exploitation also suffer from very blatant ethnic discrimination which keep them dependent on the landowners for any form of income at all.

**Modern slavery**: this is defined as slavery-like practices affecting people who are generally born free but their precarious and vulnerable economic and social situations lead to exploitation that is analogous to slavery. The types of modern slavery prevalent in Niger include human trafficking including the trafficking of children, and forced labor including child sexual exploitation, forced begging (talibé children, child apprentices working in garages, slaughterhouses, traditional tanneries, domestic servants, waitresses in bars, or children assisting the blind or disabled. All of these practices have been listed as harmful and analogous to slavery for several reasons: a lack of wages, lack of safety in the workplace, etc.

**Human Trafficking in Niger; the Triangle of Shame**

The Timidria Association discovered this phenomenon in 2000 upon finding that five communities had victims of slavery which included victims living in the departments of Madaoua, Konni and Bouza. The practice treats people as commodities and is distressing and demeaning for victims. It is most prevalent in what is now referred to as the "Triangle of Shame".

Within this geographical area, there are 5 nomadic groups that make up the Kel Gress tribal confederation of the Tuareg people. There is a high prevalence of slavery among these nomadic groups, namely in the trade of girls as 5th wives of wealthier men, traditional chiefs or religious leaders who are typically a lot older. While the broader Nigerien society and Islamic tradition prohibits a man from taking more than 4 wives, the “purchase” of a 5th wife as a slave girl is tolerated. The consent of the girl and/or her biological parents is generally irrelevant.

The quantitative study on slavery carried out by TIMIDRIA in 2002 found that within a geographical “Triangle of Shame” the nomadic groups Nobi and Galma (Konni) in Tajaé (Illéla), in Tambaye Jano and Arzerori (Madaoua), were found to sell girls whose ages range from 8 to 16 by the tens or even the hundreds as "Wahaya" by their elders/masters. Many of them are transported beyond the Nigerien border, to various destinations.

This study carried out by Timidria also found the following key components to this phenomenon:

* This type of slavery is traditional slavery in that the only girls being sold already have “slave status”;
* The money is directly transferred to the master/owner of the girls, most often without the knowledge of the victim or her biological parents;
* There is also the element of "forced marriage", as neither the consent of the victim, let alone that of her biological parents, is required;
* There are also instances of "child marriage" as the girls sold are generally under the legal age for marriage;
* There are also cases thatconstitute trafficking in persons given the element of transportation, which can be internal or to other countries, against the will of the victim and that of their parents;
* This practice is very lucrative for the perpetrators.

Dr. Galy Kadir Abdelkader, on behalf of the Timidria Association, carried out another study on slavery in Niger. This study, which has been the subject of controversy in the country, provided testimonials and statistics for a more concrete understanding of the issue of slavery in Niger. After a historical overview of slavery in Niger, the study showed that there are several forms of slavery in Niger. The “active form” is that which denies the victim any human agency and which allows the “master” to impose inhumane and degrading treatment on the victim and to dispose of the victim through eviction or sale to another “master”. This form of slavery is practiced among the Tuareg, Arab and Toubou groups in Niger.

The Zarma-Songhai, an ethnic group living in western Niger, practice what is known as passive slavery. The victims are generally not physically harmed but they suffer humiliation in weddings (during which they are called by their masters to serve guests and undertake other tasks), they have no rights to inherit the land they work, they cannot stand for elections that are exclusively for the nobility. The Peulh, on the other hand, practice a kind of slavery in which the victims are isolated in worker villages but remain dependent on the “master”. They carry out various tasks for the master: guarding herds, working the land, and domestic work, among other things.

### **Findings**

The National Institute of Statistics, the National Commission of Human Rights and the Ministry of Labour do not have up-to-date statistical data on the number of cases of forced labor, including cases of slavery in Niger. Efforts have been made by the state, its technical and financial partners, as well as civil society organizations active in the field to obtain this data. The most thorough data collection carried out in Niger was the national survey carried out in 2009 which was financed entirely by the ILO. This survey needs to be repeated in 2019 in at least two regions to give an up-to-date overview of forced labor in Niger.

**Risks and Assumptions**

The absence of reliable and up-to-date data on slavery in Niger highlights the important need to conduct national surveys and studies that permit a thorough analysis of the situation of slavery to be able to improve understanding of the phenomenon and to design appropriate responses.

**Roles and Recommendations for the Bridge Project**

The Immediate Objective 3 of the Bridge Project is dedicated to research and knowledge sharing, and is broken down as follows:

* Research on the main forms of forced labor and slavery, the geographical aspects of the crime and other relevant data at national level;
* Capacity building and training of key stakeholders on the issue of forced labor and slavery;
* Sharing good practices and lessons learned between Niger and Mauritania on issues of slavery;
* Evaluation survey on the impact of the Bridge Project with regards the implementation of ILO Convention No. 29 on forced labor and the empowerment of victims of forced labor including traditional slavery in the regions of Tahoua, Tillaberi and Agadez;
* Repeat of the 2009 national survey on forced labor in Niger;
* A lessons learned workshop organized by the Bridge project.

**6.5 Challenges and Measures to Identify Victims of forced labor**

The identification of victims of forced labor is a very complex task in the Nigerien context because of social and cultural barriers. Some victims and their communities misinterpret religious precepts about forced labor and slavery and some suffer from resignation syndrome or fear repercussions for speaking out. The National Commission for the Coordination for the Fight against Trafficking in Persons (CNCLTP), a National Agency for the Fight against Trafficking in Persons (ANLTP), a Center for Assistance and Referral of Trafficked Persons, including victims of slavery and a compensation fund for victims have been created according to the Order No. 2010-86. These bodies (CNCLTP and ANLTP-TIM) are responsible for developing (CNCLTP) and implementing (ANLTP-TIM) an action plan to combat trafficking in persons and similar practices, including slavery. The enforcement mechanism put in place also provides for the creation of listening centers and advice to help identify victims, to understand their needs and to assist them in their recovery and reintegration process.

Civil society organizations such as the Timidria Association and the Association DRM - Tanafili fight against slavery Niger through the following actions:

* Awareness raising activities;
* Promoting the emancipation of victims through schooling initiatives for children in areas with a prevalence of slavery;
* Activities aimed at the socio-economic reintegration and empowerment of freed slaves through livelihood training and providing victims with means of production (land, livestock, and tillage equipment).

Traditional chiefdom in Niger, although sometimes associated with the perpetuation of traditional slavery, has pledged to assist the government in its efforts to eradicate forced labor, including slavery. A three year action plan of the Association of Traditional Chiefs of Niger (ACTN) has been developed to support the fight against slavery and forced labor in all its forms. This plan will have to be supported and financed by the State and its technical and financial partners.

**Findings**

Social actors in the fight against slavery, such as Timidria, CNDH, TANAFILI, and EPAD, have made progress in the identification and protection of victims. However, the alternatives to rescued victims offered by these actors have not proven to be sustainable in terms of victim empowerment, This is because while empowerment actions have been carried out for a limited number of victims, most of whom had managed to rebuild their lives independently of their former masters, there are still some victims who have not been able to stay away from their former masters despite the assistance provided by NGOs. This is partly linked to this psychosocial barrier between the former slaver and their master, and also partly to the low resources allocated to victim empowerment activities to reach a high number of victims which has led a few to go back to their former masters.

### **Risks and Assumptions**

The issue of slavery and other forms of forced labor is a very sensitive issue in Niger**.** Confidentiality and the trust is necessary with regards to identifying and working with victims of slavery and should guide the actors involved in this area. The direct implementation partners of the Bridge project have already worked with and identified victims so they are very familiar with the context..

**Roles and Recommendations for the Bridge Project**

The Immediate Objective 5 of the Bridge Project focuses on the empowerment of victims of slavery through economic empowerment, psychosocial assistance and the registration of children for facilitated inclusion in the school system.

**Forced labor**

According to the report of the 2009 forced labor survey in Niger, there is a lack of awareness of slavery, particularly with regards national legislation and the mechanisms available for removing individuals from situations of slavery. There is a severe lack of awareness of victims’ rights to protection, access to remedies, and the specialized agencies available to help. This lack of awareness makes identification and referral extremely difficult.

### **Findings**

There have been a fairly limited number of lawsuits related to slavery in Niger despite the adoption of the 2003 law criminalizing slavery and despite the ratification of ILO Conventions 105, 29 as well as the 2014 Forced Labour Protocol P029. This is partly related to the level of controversy surrounding the issue of slavery and partly due to a lack of awareness and understanding of slavery among magistrates. Capacity building and a wide dissemination of awareness raising materials is necessary for all stakeholders to better fight this problem.

### **Risks and Assumptions**

Prevention against slavery and the response to it cannot be achieved without support from traditional and religious leaders. Some religious leaders misinterpret Islam so as to justify slavery and are at times personally involved in the practice. Collaboration with individual religious leaders through their association (ACTN) may facilitate social dialogue.

**Roles and recommendations for the Bridge Project**

The Bridge Project aims to support preventative measures against forced labor in Niger through cooperation with the Ministry of Labor. These measures include:

* A national workshop to develop the communication strategy on forced labor;
* A national awareness campaign on forced labor through social media and other media outlets as well as the deployment of a caravan travelling around the rural areas of the country with banners and flyers;
* A series of short awareness-raising videos on forced labor and traditional slavery will be developed and shared on social media and other media outlets;
* Community gatherings and discussions on forced labor, slavery and the impact on victims will be held to better understand the level of awareness and attitudes towards the practice as well as to raise awareness of the law and remedies available;
* Awareness raising sessions aimed specifically at students, women and girls (who are the most vulnerable and at risk of slavery).

**6.7 Challenges and Measures to protect victims of forced labor**

The 2009 study on forced labor also revealed a lack of resources and awareness in the institutional framework. This can be attributed to (INS, 2009):

* The absence of a comprehensive approach with the existing initiatives being implemented in a fragmented manner;
* Budgetary constraints and the lack of technical skills necessary for the effective implementation of relevant laws and national strategies;
* A non-operational coordination unit.

**Findings**

The only national study in Niger 2009 on forced labor revealed the existence of the phenomenon of forced labor including traditional slavery with supporting statistics. The report also stressed the lack of sufficient funds and a lack of coordination to fight against the practice. Specific data on traditional slavery is not available as of today.

### **Risks and Assumptions**

The victims of slavery are generally not identified and there is no systematic mechanism for referring identified victims for comprehensive assistance and protection. There is no government up-to-date database on the number of cases of slavery and the lack of awareness and political will is hindering the efforts made by social actors who are trying to make a stand.

**Roles and Recommendations for the Bridge Project**

The Bridge Project will implement the following measures:

* Identify victims of slavery and sort them into groups;
* Provide educational and vocational training to the victims and provide funds for income generating activities and basic literacy education;
* Advocacy for children’s education and raising awareness on the importance of keeping children in school;
* Facilitate the coordination of efforts between the ANLTP and the MEPTS.

**6.8 Challenges and Measures to Provide Victims with Access to Justice and Remedy**

The fear of reprisals against the victims or against their families for denouncing perpetrators remains a major challenge. The perpetrators can harass and threaten those who speak out and can evict them from the land they work leaving them vulnerable to homelessness. Harassment is also an issue within the justice system, as well as a lack of understanding of the law a lack of urgency among justice actors. There is currently no compensation fund available for victims.

**Findings**

Victims of slavery do not always have easy access to justice because of fear of retaliation, social prejudice and ignorance regarding their basic rights. The lack of a state presence in some of the remote areas where slavery is most practiced and the lack of awareness of assistance and protection mechanisms available leave victims in a situation of total dependence on their master.

### **Risks and Assumptions**

There are no preventative measures currently being implemented and victims are generally not aware of their fundamental rights. There are very limited competent public services available in remote areas with a high prevalence of slavery. Awareness raising campaigns and a series of capacity building interventions for key stakeholders are absolutely necessary but the presence of relevant public services in remote areas is paramount if said interventions are to have any impact.

**Roles and recommendations for the Bridge Project**

Interventions aimed at providing identified victims with access to justice and livelihoods will include the following:

* Supporting victims of various forms of forced labor, such as slavery and trafficking in human beings with livelihood, psychosocial support and trainings;
* Capacity building interventions for key stakeholders on forced labor, including governments, employers and workers organizations, justice actors, journalists and NGOs;
* A review of national policies, plans of action and legislation on forced labor will be carried out;
* Research on the prevalence of forced labor in Niger will also be carried out.

**National Human Rights Commission of Niger (CNDH)**

Law No. 2012-44 of August 24th, 2012, determined the composition, organization, responsibilities and mandate of the National Commission of the Humans Rights (CNDH), and has just been enacted by the Head of State. It is absolutely vital for us and other key stakeholders to understand the elements and implications of this law in order to facilitate implementation.

Following the dissolution of the National Commission for Human Rights and Fundamental Freedoms (CNDH/LF) in February 2010, and the negotiations between the Niger government and the United Nations, it was agreed that a new independent National Commission would be created in due compliance with international human rights standards. In November 2012, Article 44, provided for the creation of a National Commission of Human Rights in accordance with the Paris Principles. The Nigerien Government, in partnership with the United Nations Country Team in Niger and the Office of the High Commissioner for Human Rights, has since developed an action plan for setting up the Commission in question.

The following steps have already been taken to set the Commission up:

1. The bill supporting the process of establishing the Commission has been drawn up;
2. Consultations have been held with civil society organizations, the National Observatory for Development, ministry officials, and regional leaders;
3. Parliamentarians have been discussing the Paris Principles and the applicability to NHRIs;
4. A draft law has been developed by an ad hoc committee established by decree No. 069MJ/SG/DGDH of August 31st, 2011;
5. A workshop was organized for the purpose of discussing and validating the draft bill;
6. The draft law was adopted during a second sitting in Parliament and was enacted by the President of the Republic.

It must be noted that throughout this process, the bill drafted by the National Human Rights Commission took gender into account in the following ways

* NGOs working on gender issues and women's associations as well as NGOs involved in the rights of the child, disability rights and other vulnerable groups were consulted on the conditions for accreditation and recognition as national human rights institutions by the international committee of NHRIs and the Office of the High Commissioner for Human Rights.

The technical partners, in this case the United Nations Agencies in Niger and the Office of the High Commissioner for Human Rights, also supported the process of drafting and adopting the law in question.

The draft law was also submitted to the United Nations Commission in charge of National Human Rights Institutions, the Office of the High Commissioner for Human Rights and the Office of the Resident Coordinator. The Office of the High Commissioner for Human Rights sent their comments and recommendations to the government and parliament on the content of the draft law in order to ensure compliance with the Paris Principles governing NHRIs. These observations were largely taken into account by the National Assembly. Dialogue between the UNS Resident Coordinator and the Minister of Justice has been improved, and talks between Deputy High Commissioner for Human Rights, the Resident Coordinator and the Government and Parliament on the need to implement a truly independent National Commission.

In accordance with law No. 2012-44 of August 24th, 2012, the National Commission for Human Rights shall be composed of nine (09) permanent members acting as commissioners with a mandate of four (04) years that can only be renewed once. All potential candidates for the future CNDH will be subject to character background check.

The CNDH is an independent administrative authority. Collaboration with technical partners, UN agencies in particular in the process of developing and setting up the CNDH, makes Niger a pioneer country, as no such institution exists anywhere else in French-speaking Africa. The highest authorities have expressed their commitment to honor the Commission, including those from the Ministry of Justice and the Directorate General of Human Rights (DGDH), and in doing so to honor democracy and the rule of law in Niger.

**Conclusion**

Since 1999 when the Commission for Legal Form was set up, Niger has initiated measures to improve its national legal framework in relation to the fight against forced labor and slavery. Said Commission has reviewed cases of slavery, female genital mutilation (FGM), and sexual harassment and has made amendments to the penal code and the code of criminal procedure and in 2003, the National Assembly voted unanimously in favor of adopting a new criminal code.

This was a great step forward for Nigerien democracy. The country has only just criminalized slavery. Section 270-2 of the new criminal code states that "to enslave or induce others to alienate their liberty or dignity or that of a dependent, to be enslaved, is punishable by imprisonment from ten to thirty years and a fine of 1,000,000 to 5,000,000 francs". Another provision of this law, namely article 270-5, stipulates that "any association regularly declared for at least one year at the date of the facts and having by virtue of the statutes the objective to combat slavery or similar practices is entitled to exercise civil action for compensation for damages caused by offenses under criminal law relating to slavery ". The echoes of this law were dissuasive, especially that the Cabinet of the Prime Minister of the time quickly reacted by sending a letter to his Minister of the Interior and Decentralization in which he invited him to spread widely national with the names of localities located in seven out of eight regions of Niger to recall the new situation where slavery as a crime is no longer tolerated in our societies. This law is a valuable tool for the courts and civil society engaged in the fight against slavery.

All in all, this analysis made it possible to review the issue of slavery in Niger through various books and reports available. It will serve as a reference for the Bridge project, which will make an active contribution to the fight against slavery in Niger.

**References**

**Books**

* GALY Kadir Abdelkader, 2004, "SLAVERY IN NIGER: Historical and legal aspects and numbers and statistics", ed. *KARTHAL.*
* Niger, 2010, "Constitution of the 7th Republic", ed. 2010.
* IOM, 2016, "Women and children of Kantché on the road to Algeria: socio-anthtropological analysis of a poorly known phenomenon", July 2016 edition.
* ZANGAOU Moussa, 2013, "Women and violence in slavery in the Nigerian Azawagh", in *History and Archeology*, IRSH.
* ZANGAOU Moussa, 2008, "Women in uniform in the military and paramilitary sectors in Niger", (under the supervision of Prof. Kimba Idrissa), ed. *CODESRIA.*

**Reports**

* Timidria Association, 2016, "Legal Guide for the Nigerien Population".
* CNDH, 2017, "Report on the State of Human Rights in Niger 2017", ed. NIN.
* Ministry of Justice, 2017, "Plan for the Implementation of Recommendations and Voluntary Commitments from the Universal Periodic Review of Niger (2017-2020)".
* Timidria and Ministry of Justice, 2016, "Report of the Information and Evaluation Workshop on the Implementation of the Recommendations of the Visit to Niger of the Special Rapporteur of the United Nations Secretary-General on Contemporary Forms of Slavery: with a follow-up action plan 2016-2018'.
* ZANGAOU Moussa, 2018, "Draft Provisional Report on the state of play in the fight against slavery in Niger".

1. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102322/123633/F-1439136033/NER-102322.pdf [↑](#footnote-ref-1)
2. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/102322/123633/F-1439136033/NER-102322.pdf [↑](#footnote-ref-2)