



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Niger - Researched and compiled by the Refugee Documentation Centre of Ireland on 16 July 2009

Trafficking from Niger for the purpose of domestic servitude and sexual exploitation

The US Department of State Trafficking Report states:

“Niger is a source, transit, and destination country for children and women trafficked for forced labor and commercial sexual exploitation. Caste-based slavery practices, rooted in ancestral master-slave relationships, continue primarily in the northern part of the country. An estimated 8,800 to 43,000 Nigeriens live under conditions of traditional hereditary slavery. Children within Niger are trafficked for forced begging by religious instructors, forced labor in gold mines, domestic servitude, sexual exploitation, and possibly for forced labor in agriculture and stone quarries. Nigerien children, primarily girls, are also subjected to commercial sexual exploitation along the border with Nigeria, particularly in the towns of Birni N’Konni and Zinder, and boys are trafficked to Nigeria and Mali for forced begging and manual labor. Women and children from Benin, Burkina Faso, Gabon, Ghana, Mali, Nigeria and Togo are trafficked to and through Niger for domestic servitude, sexual exploitation, forced labor in mines and on farms, and as mechanics and welders. Nigerien women and children are trafficked from Niger to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.” (United States Department of State (16 June 2009) Trafficking in Persons Report 2009 – Niger)

Under the heading ‘Protection’ this report states:

“The Government of Niger demonstrated slightly decreased efforts to provide care to child trafficking victims and some increased efforts to assist victims of traditional slavery practices. Due to lack of resources, the government did not operate its own victim shelter, but refers child trafficking victims to NGOs for assistance. While the government lacked a formal system for identification and referral of trafficking victims, authorities referred trafficking victims to NGOs for care on an ad hoc basis. In Agadez, local authorities assisted UNICEF in rescuing 37 child trafficking victims and referring them to NGOs for care. At a government-operated but donor-funded victim transit center in Makalondi, police assisted with the rescue, rehabilitation, and return of 44 child victims. In February 2009, Nigerien and Togolese law enforcement officials conducted a joint investigation resulting in the rescue of a Nigerien girl who had been abducted and trafficked to Togo in 1998, when she was 14 years old.

A 2007 government plan to combat child exploitation by religious instructors in Islamic schools has not been implemented due to lack of funding. During the year, government officials assisted a local NGO in rescuing 40 individuals subjected to traditional slavery practices by assisting with the purchase of land and animals for the former slaves. The officials also housed the NGO delegation and educated the community about slavery. During the year, the Ministry of Education paid the salaries for five teachers working at NGO-funded schools for children of former slaves. The government encouraged victims to report their traffickers to law enforcement officials and interviewed them for evidence for investigations and prosecutions. The Ministry of the Interior continued to operate a program to welcome and provide temporary shelter – for about one week – to repatriated Nigeriens, some of whom may be trafficking victims. While ministry officials interviewed these citizens to assist with their reintegration, they did not attempt to identify trafficking victims among them. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.” (Ibid)

This report states under the heading ‘Prosecution’:

“The Government of Niger demonstrated weak law enforcement efforts to address child trafficking and traditional slavery. Niger prohibits slavery through a 2003 amendment to Article 270 of its Penal Code and prohibits forced and compulsory labor through Article 4 of its Labor Code. Penal Code Articles 292 and 293 prohibit procurement of a child for prostitution. Niger does not, however, prohibit other forms of trafficking. The government's 2006 draft law against trafficking still awaits adoption by the Council of Ministers. The prescribed penalty of 10 to 30 years' imprisonment for slavery offenses is sufficiently stringent. The penalty prescribed for forced labor, a fine ranging from \$48 to \$598 and from six days to one month's imprisonment, is not sufficiently stringent.

In the last year, law enforcement authorities arrested 11 individuals suspected of trafficking 81 children. Six suspects were released without being charged, while five were charged with the abduction of minors and remain in preventative detention pending investigation. The government cooperated with Malian and Togolese officials to investigate and arrest three suspected traffickers from Mali and one trafficker from Togo. Border officials cooperated with their Beninese counterparts to monitor the border of Niger and Benin for human trafficking activity. In December 2008, the Niamey Court of Appeals held hearings on the 2006 enslavement case *Timidria and Assibit Wanagoda vs. Tafane Abouzeidi*, found no grounds for prosecution, and dismissed the case. An additional 2006 enslavement case, *Midi Ajinalher vs. Hamad Alamine* and three brothers is still pending before the same court. In June 2008, senior Ministry of Labor officials delivered presentations on labor laws and core labor standards at an ILO-funded forced labor training event.

In October 2008, the ECOWAS Court of Justice ruled that the Government of Niger's administrative and legal services failed to protect a Nigerien woman sold into slavery in the case *Timidria and Hadidjatou Mani Koraou vs. the Government of Niger*. When the victim, who was sold into slavery at the age of 12 for \$500, originally brought her case to a Nigerien court, the judge found that no slavery

existed. He then sentenced the victim to six months' imprisonment for bigamy for entering into a marriage by choice after she fled her forced marriage to her master. The ECOWAS court ordered the government to pay \$20,000 in damages to the victim. In March 2009, the government paid the victim the ordered restitution and secured the conviction of the victim's former master, Naroua, who was given a sentence of one year in prison and a fine of \$1,000. Naroua, however, has yet to be located and detained. The status of seven women who reportedly remained enslaved by Naroua after the victim's escape is unknown. The whereabouts of the victim's two children, who were enslaved by Naroua as well, is also unknown. NGOs reported to officials that in 2008, four Nigerien girls were sold to Nigerian businessmen in Zaria, on the border of Nigeria and Niger, but the government has failed to respond to these reports. The government reported that it was dismantling trafficking networks in the Konni region." (Ibid)

The US Department of State Country Report on Human Rights Practices states under the heading 'Trafficking in Persons':

"The law does not specifically prohibit trafficking in persons, and persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a law that criminalizes slavery and coerced labor; punishments ranged from 10-30 years' imprisonment. Child prostitution is not criminalized specifically; however, the law prohibits indecent acts toward minors. Such activity and a corollary statute against 'the incitement of minors to wrongdoing' were punishable by three to five years in prison.

A 2005 NGO survey found that 5.8 percent of households interviewed claimed that at least one member of their family had been a trafficking victim.

A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities.

The country was a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country was a source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation. The country was a destination for a small number of trafficked persons. Young boys from neighboring countries were trafficked into the country for labor exploitation.

Women and girls were trafficked into and within the country for domestic service and prostitution. Child prostitution was especially prevalent along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder.

There was internal trafficking of boys. Some rural parents sent their sons to learn the Koran in the cities, where the boys worked for their teachers (marabouts) as beggars or provided manual labor. Traffickers also transported boys to Mali and Nigeria for this purpose. Traffickers transported children internally for work in mines.

Generally, small operators trafficked persons with false promises of well paid employment in the country. Victims usually had to perform poorly paid domestic work or prostitution upon arrival, and had to pay off a "debt" to the trafficker. Traffickers had victims sign agreements before departing their country of origin, and retained the victims' travel documents. Traffickers used similar methods to transport victims from Niger to other countries. Traffickers within the country forced or falsely enticed some girls into prostitution, sometimes with their family's complicity.

The government prosecuted traffickers. During the year, law enforcement authorities arrested several traffickers in connection with the trafficking of at least 58 children. Of these, officials released two without charge, but charged the others with the abduction of minors, handing over one to Interpol Mali.

On March 20, RDM Tanafili, a local NGO, rescued and assisted six families of former slaves (40 persons) in purchasing land from their former masters in Tajae, Tahoua Region. The NGO was expected to sponsor the families for one year by providing them food, livestock to start a new life, and education for the children.

During the year local authorities assisted UNICEF and a local NGO partner to identify and rehabilitate child victims of trafficking in the Agadez and Niamey regions. Police and prosecutors arrested and prosecuted traffickers whom the project identified and ensured that rescued victims were handed over to a local NGO for rehabilitation. In October officials rescued 37 child trafficking victims; they were rehabilitated in the city of Agadez, including receipt of counseling and support to return home and start a business for older children, and return to their parents' custody for younger ones. However, the government released the suspected traffickers without charge.

On October 23, police in Gaya arrested a man when he could not prove his relationship to several children with whom he was traveling. The police handed over the children to the district of Gaya's Office of Women's Promotion and Children's Protection. During the same period, the office also handed over to the Benin border police 11 young girls presumed to be victims of trafficking.

On December 19, a local NGO, acting with support from law enforcement authorities, apprehended a Malian marabout suspected of trafficking 11 children (seven Malians and four Nigeriens). At year's end the marabout was in detention, and the children were under the NGO's care, pending return to their families.

The Ministries of Justice, Interior, and the Promotion of Women and Protection of Children shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons existed on paper but had no budget.

The government provided some services directly to trafficking victims, including basic health care and assistance in returning to their home villages. The government also supported the efforts of NGOs and international organizations in providing food, temporary shelter, and primary health care to victims of trafficking, and sponsored public outreach sessions on trafficking and child abuse.

There were no further developments in the case of three traffickers in custody since 2007 on charges of child trafficking in Agadez.” (United States Department of State (25 February 2009) *2008 Country Reports on Human Rights Practices – Niger*)

In relation to effectiveness of the police this report states under the heading ‘Role of the Police and Security Apparatus’:

“The police were ineffective, largely due to a lack of basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons-handling skills. Citizens complained that security forces did not adequately police border regions and remote rural areas. Corruption remained an ongoing problem. The gendarmerie is responsible for investigation of police abuse; however, impunity was a widespread problem.” (Ibid)

The United States Department of Labor reports in relation to Niger under the heading ‘Incidence and Nature of Child Labor’:

“In Niger, children work in the agricultural, commercial, and artisanal sectors, often in family businesses. In rural areas, children work on family farms; including gathering water or firewood, pounding grain, and tending animals. There are children working in hazardous conditions in mines and quarries; breaking rocks; transporting heavy loads in head-pans; washing and processing gold, which may expose children to mercury; and crushing and hoisting ore. Children also work in domestic service and as vendors. The practice of sending boys to Koranic teachers to receive education is a tradition in various countries, including Niger.

While some boys receive lessons, others are forced by their teachers to beg and surrender the money that they have earned or perform manual labor.

Traditional forms of caste-based servitude, including of children, still exist in parts of Niger. This practice is more prevalent among the nomadic populations of Northern Niger, such as the Tuareg, but is also found among the Zarma and Arab ethnic minorities. Children are also reportedly being used to gather intelligence on government forces by a rebel group, the Nigerien Justice Movement.

Niger serves as a source, transit, and destination country for children trafficked for forced labor, including commercial sexual exploitation and domestic service. Children are trafficked internally to work in mines, agricultural labor, and domestic service, as well as for commercial sexual exploitation and begging. Girls are trafficked from rural to urban areas for the purpose of prostitution. Some children are trafficked to Niger for exploitive labor from Benin, Ghana, Mali, Nigeria, and Togo. Some of these children are trafficked to work in mines, on farms, or in workshops as welders or mechanics.” (United States Department of Labor (27 August 2008) *2007 Findings on the Worst Forms of Child Labor – Niger*)

A UNICEF Factsheet states:

“Niger is a country of origin, transit and destination for men, women, and children. Broadly speaking, Nigerien boys trafficked within the country are made to work as beggars and manual labourers. Nigerien girls are forced into domestic servitude or prostitution. Nigerien women are sent to North Africa and Europe for sexual exploitation, and to North Africa and the Middle East for forced domestic labour. Traffickers lure victims to foreign countries with false marriages or promises of lucrative employment. Niger is both a destination country for foreign victims of trafficking and a transit country for victims transported to other West African countries, including Benin, Burkina Faso, Gabon, Ghana, Mali, Nigeria, and Togo. Many families misguidedly surrender their children to distant relatives or unscrupulous religious teachers who exploit children. According to a UNICEF-backed survey, more than one fourth of approximately 1,500 households know of trafficking in their neighbourhood or village. More than five percent reported that at least one family member had been a victim of trafficking.” (UNICEF (undated) *Priorities in Child Survival, Education and Protection*)

A UNICEF report states:

“NIAMEY, Niger, 15 June 2007 – The sight of children toiling in the streets is part of the daily landscape here in Niger’s capital. In one of the poorest countries in the world, two-thirds of children under the age of 14 work.

They come from all over the country and sometimes from other countries in the region – especially Nigeria, Benin, Togo and Ghana. Some of these children are trafficked, and many end up in the capital’s central bus station. From there, they are hired out for menial tasks such as washing dishes and selling and transporting various wares.

Across the African continent, children are trafficked into prostitution and recruited into armed groups as child soldiers or porters; they provide cheap or even unpaid labour and often work as domestics or beggars.

These children typically are between 7 and 14 years of age. In most cases, they have families – but very poor families.” (UNICEF (15 June 2007) *UNICEF and partners aid child labourers and fight trafficking in Niger*)

IRIN reports:

“Nigeria’s porous border with its northern neighbour Niger is being exploited by traffickers smuggling teenage girls to Europe where they will work as prostitutes, immigration officials told IRIN.

‘Our 910 kilometre boundary with Niger is too much for us to police which provides human traffickers an advantage to conduct their trade of smuggling young girls to Europe for prostitution,’ Oemi Bio Ockiya, head of the Nigerian immigration department in Kano told IRIN.

Ockiya said girls are transported from the southern part of Nigeria to Kano from where they are driven to Libya through Niger and then shipped to Europe, their final destination, for prostitution.

The traffickers convince the girls and their parents that lucrative jobs await their victims, but force them into prostitution once in Europe by holding on to their passports.

The trafficking of young women to Europe through Kano has been a common occurrence. Hitherto the traffickers would smuggle their victims through Kano airport using fake and stolen passports.

However the introduction of state-of-the-art passport reading machines and a run of high-profile arrests meant the traffickers resorted to driving the victims overland to Niger then Libya from where they are shipped to Europe, Ockiya said." (Integrated Regional Information Networks (IRIN) (21 May 2008) *Niger-Nigeria: Porous border aids human trafficking*)

An AFP report states:

"Child trafficking between Niger and neighboring Libya appears to have increased in recent years, with a growing number of networks dismantled in 2006, according to non-government agencies.

Police intercepted about 50 children at the Libyan border between June and December of last year, said Moutari Maman of the group Action in Favor of the Elimination of Child Labor in Niger (AFETEN).

The children are usually between 12 and 15 years old, and are often orphans or from poor families, according to Niger's ministry for child protection. They are often employed in Libya as domestic servants.

Timidria, a local NGO, says a trafficker was arrested at the end of last year in Dirkou in the north of Niger as he prepared to send 24 girls into Libya in small groups." (AFP (16 March 2007) *NGOs say child trafficking increasing in Niger*)

Radio France Internationale reports:

"Another case of child trafficking has been reported in Niger. Two suspects were arrested at the beginning of the week in Agades [northern Niger]. The two men, accompanied with eight children, were travelling to Libya.

This is not the first case, several children have been victims of the trafficking. The young children are taken to Libya to work as servants." (Radio France Internationale (5 July 2006) *Niger arrests two Libya-Bound Child Traffickers*)

Another AFP report states:

“Nigerian officials have arrested a suspected human trafficker from Niger as he tried to smuggle 22 children into the country, including some aged between three and five, an immigration official said Monday.

Muhammadu Sani was arrested at Magama immigration border post with Niger with eight children whom he was trying to smuggle into Nigeria, Hassan Suleiman Kangiwa, an immigration chief in the northern city of Katsina, told AFP. ‘Our men on patrol sighted this trafficker last Wednesday at the Magama boarder post leading on foot a group of eight tired and hungry children, aged between three and five, trying to avoid the post which aroused suspicion,’ Kangiwa said in a telephone interview from Katsina.

‘Following his arrest and subsequent interrogation we discovered an additional 14 children he had succeeded in smuggling to Dayi, a town 100 kilometres (60 miles) west of Katsina,’ he said.

Sani is suspected of belonging to a syndicate of human traffickers operating on the Nigeria-Niger border area, Kangiwa added.” (AFP (4 April 2005) *Suspected human trafficker from Niger arrested with 22 children*)

Dr Eilís Ward and Dr Gillian Wylie report in relation to sex trafficking into Ireland:

“This report provides a baseline of cases of sex-trafficking into Ireland between the years 2000 – 2006. It concludes that for these years, the probable minimum number of such cases was 76. The vast majority of those cases occurred between 2003 and 2006 and the majority of women trafficked into Ireland were from Eastern Europe. The second largest grouping came from Africa – and the single biggest national grouping from Nigeria. Women were also trafficked into Ireland from Asia and South America. These women were located in the sex industry in both Dublin and outside the capital in towns and cities throughout the country. Our research revealed the use of force, coercion, deception and physical and sexual violence as part of the transit journey. In most cases, when contact was made with agencies and organisations, the women were in states of distress, they frequently had little or no English and were extremely vulnerable” (Ward, Eilís; Wylie, Gillian (September 2007) *The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation 2000 – 2006*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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