

Country Report

NIGER

Africa



Communities Discriminated on Work and Descent in Niger and the Status of Modern Slavery



The Inclusivity Project and Global Forum of Communities Discriminated on Work and Descent - 2023

The Inclusivity Project

The Inclusivity Project (TIP) is a non-profit organization founded to advocate for the rights of communities discriminated on Work and Descent (CDWD) and raise awareness on their issue. TIP works towards capacity building, collaboration, and research to support CDWD communities by enhancing the social, economic, and political integration and increasing their visibility at the national, regional and global platforms. TIP works on the sustainable development goals (SDGs), especially on the monitoring and follow-up/review, and providing data and evidence for the nation-state for effective and inclusive programme implementation.

<https://www.theinclusivityproject.org/>

Global Forum of Communities Discriminated on Work and Descent

Global Forum of Communities Discriminated on Work and Descent (GFoD), founded in 2021, is a platform dedicated to voicing the rights and entitlements of communities in Africa, Asia, Europe, Latin America, and North America that face discrimination based on work and descent. GFoD aims for full realization of the Universal Declaration of Human Rights of the Communities Discriminated on Work and Descent and to ensure access to sustainable development goals(SDGs).

<https://www.globalforumcdwd.org/>

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Publisher:

Global Forum of Communities Discriminated on Work and Descent (GFoD)

2023

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Niger

NIGER, OFFICIALLY KNOWN AS THE REPUBLIC OF NIGER, IS A SAHELIAN COUNTRY IN WEST AFRICA.

THE COUNTRY IS COMPRISED OF EIGHT REGIONS - AGADEZ, DIFFA, DOSSO, MARADI, NIAMEY, TAHOUA, TILLABÉRY AND ZINDER.





NIGER HAS AN ESTIMATED POPULATION OF 24.46 MILLION



12.31 MILLION WOMEN (50.3% OF POPULATION)



12.16 MILLION MEN (49.7% OF POPULATION).⁴



NIGER IS ONE OF THE POOREST COUNTRIES IN THE WORLD, WITH 16.18 MILLION (66.1%) OF ITS PEOPLE LIVING IN MULTIDIMENSIONAL POVERTY.⁵



OUT OF THE WORLD'S COUNTRIES AND TERRITORIES, NIGER RANKS 189 OUT OF 191. ADDITIONALLY, NIGER RANKS 153 IN THE GENDER INEQUALITY INDEX ACCORDING TO THE HUMAN DEVELOPMENT INDEX 2021-22⁶

IT IS ALSO ONE OF THE LEAST DEVELOPED COUNTRIES (LDC) AND IS ELIGIBLE FOR THE HEAVILY INDEBTED POOR COUNTRIES (HIPIC) INITIATIVE.

Foreword

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The aim of this research is to delve into the realities experienced by communities discriminated against on Work and Descent in Niger, and the persistence of this phenomenon. We are exploring the various factors and mechanisms that fuel this discrimination, while seeking solutions to mitigate these persistent inequalities. The investigation carried by the young experts is based on a multidisciplinary approach, integrating sociological, economic and cultural perspectives in order to provide a comprehensive understanding of this phenomenon.

At the heart of societal and economic issues, the question of discrimination based on Work and Descent, historically rooted in the socio-cultural practices of the populations of Sahelian countries in general, and those of the Niger part of this geographical area in particular, remains a complex and crucial subject to tackle. In the context of Niger, a country with a rich cultural and ethnic diversity, the dynamics of discrimination in the professional world take various forms, often linked to considerations of descent, which handicap the lives of the victims in the long term.

Despite these challenges, Niger abounds in human potential and cultural wealth. However, if this potential is to be fully utilized, it is

imperative that Discrimination on Work and Descent is addressed, as it not only limits individual opportunities but is also detrimental to the overall development of society. This research aims to make a significant contribution to the fight against descent-based discrimination, persuading those who are still hesitant to reflect on the problems of this phenomenon in the Sahel and in Niger in particular. Notably, this research also seeks to encourage the adoption of more inclusive policies, approaches, and means.

We would like to extend our warmest thanks to all those who have contributed to this research, and to the communities who have agreed to share their experiences with us. Together, we hope to advance understanding of this issue and promote a more equitable future for all citizens of Niger.

Preface



N. PAUL DIVAKAR

Paul Divakar Namala

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Discriminated on Work and Descent

This report is a culmination of rigorous research, extensive fieldwork, and collaborative efforts aimed at shedding light on the unique experiences of marginalized communities within the nation.

Niger, a country rich in cultural diversity, faces the complex issue of discrimination rooted in both historical practices and contemporary socio-economic structures. Certain communities, particularly those affected by traditional notions of work and descent, find themselves marginalized and vulnerable, confronting barriers that impede their social, economic, and political advancement.

This report aims to provide a comprehensive overview of the current situation, challenges faced, and potential avenues for intervention and improvement. It draws attention to the nuanced forms of discrimination experienced by these communities, recognizing the importance of understanding the historical context and cultural dynamics that contribute to their marginalization.

This report is not merely an academic exercise but a call to action. By presenting a holistic understanding of the challenges faced by these communities, we seek to inspire

collaborative efforts that transcend boundaries, promoting a society where every individual can thrive irrespective of their descent or occupation.

We express our gratitude to the communities who shared their stories, the researchers who dedicated their time and expertise, and our partners who collaborated in this endeavor. It is our hope that this report serves as a catalyst for positive change, fostering a more inclusive and equitable Niger for all.

Acknowledgements

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This research was made possible thanks to the support and contribution of several people. We want to express our gratitude to them:

To the State of Niger, for making specific data available;

To the entire team of Global Forum of Communities Discriminated on Work and Descent (GFoD) and The Inclusivity Project, without distinction, for comments and contributions aimed at improving this work;

To Mr Ali Bouzou, President of the TIMIDRIA Niger Association, for his availability and contribution;

To the Director General of the Institut National de Documentation de la Recherche et d'Animation Pédagogique (INDRAP);

To the activist Aghali AG Alher;

To Mr Ibrahim Inaboutou, Deputy Secretary General of the TIMIDRIA Association.

Glossary of Terms

» Discrimination based on Work and Descent (DWD)

Discrimination based on Work and Descent (DWD) is the UN terminology for caste-based discrimination. The term has been used by several UN human rights bodies, including by treaty bodies and Special Rapporteurs, reaffirming that this form of discrimination is prohibited under international human rights law. DWD is a global phenomenon affecting 260 million people worldwide, including South Asia, East Asia, Africa, Latin America, Middle East, and Europe.

» Communities Discriminated on Work and Descent (CDWD)

Communities Discriminated on Work and Descent (CDWD) are the people directly affected by Discrimination based on Work and Descent. These communities continue to face extreme forms of isolation and discrimination, which acts as an obstacle in their attainment of civil, political, economic and social rights. This form of stigma has led to their segregation and enforced endogamy, as well as socio-economic and political discrimination.

» Modern Slavery

Modern Slavery covers a set of specific legal concepts including forced labour (i.e., debt bondage, slavery and slavery like practices and human trafficking) and forced marriage. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. In essence, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.

ABBREVIATIONS/ ACRONYMS

ANDDH: Association Nigérienne pour la Défense des Droits de l'Homme (Niger Association for the Defence of Human Rights)

ANTP/TIM: Agence Nationale de Lutte contre la Traite des Personnes et Trafic Illicite des Migrants (National Agency to Combat Trafficking in Persons and Migrant Smuggling)

CNDH: National Human Rights Commission

ECOWAS: Economic Commission for West African States

ENAFEME: Enquête Nationale sur la Fécondité et la Mortalité des Enfants de moins de cinq ans (National Survey on Fertility and Mortality of Children under Five)

FNPH: Fédération Nationale des Personnes Handicapées (National Federation of Disabled People)

GFOD: Global Forum of Communities Discriminated on Work and Descent

ILO: International Labour Organisation.

IOM: International Organisation for Migration

NGO: Non-Governmental Organisation

CSO : Civil Society Organisation

Summary

Slavery in Niger has a deep-rooted history that dates back to pre-colonial times and has persisted into the present day. Even before European colonisation, slavery was prevalent in Niger, primarily in the form of domestic servitude and forced labour. Enslaved people were considered property and commonly bought, sold, and passed down through generations. The dominant ethnic groups often held enslaved people from marginalised ethnic groups, and slavery was intricately linked to caste systems and social hierarchies.

The caste system, a hierarchical social structure, has been present in some of Niger's traditional societies, notably among the Tuareg, Fulani, and Songhai ethnic groups. However, it is essential to recognise that Niger's society is highly diverse, comprising numerous ethnic groups such as Hausa, Zarma, Songhai, Dendi, Touaregs (Tamachek), Arabs, Fulfulde (Peulh), Kanuri, and Gourmantché. Consequently, the caste dynamics vary from one community to another.

In some Nigerien societies, castes were divided into distinct groups, each with specific societal roles and functions. These groups were generally determined by birth, and it was difficult for a person to change caste during their lifetime.

Castes were often based on occupation and economic activities. For example, the Tuareg hierarchy comprised-Imajaghan (nobles), Ineslemen (warriors), Imrad (craftsmen), and Iklan (enslaved people), in this order. Each group had its own set of rights, obligations, and specific restrictions. Members of the slave caste were commonly regarded as inferior with limited rights.

In the 19th century, Niger was affected by the trans-Saharan slave trade, which involved the capture, sale and transport of enslaved people across the Sahara desert to the Maghreb and Middle East regions. This led to an increase in the slave trade in the region, with caravans traversing Niger territory. The slave trade gradually ended with the advent of European colonisation and the subsequent abolition of slavery in many countries.

Although slavery was officially abolished at the beginning of the 20th century across French colonies and globally, it remains prevalent in certain African countries, including Sudan, Mauritania, Niger, Mali, and Burkina Faso, among others.

Following Niger's independence on August 3, 1960, the government took measures to officially abolish slavery and criminalise all forms of servitude in the country.

However, traditional slavery has given way to new and modern forms of slavery and slavery-like practices. Reports indicate that individuals, particularly women and children, become victims of human trafficking, sexual exploitation, and forced labour.

The Nigerien government is actively fighting modern-day slavery by strengthening legislation and implementing awareness programs to protect victims. Non-governmental organisations and human rights groups are also engaged in eliminating the practice of slavery and providing support to those affected by it. It is crucial to note that since Niger's independence in 1960, the government has undertaken efforts to promote equality and eradicate caste-based discrimination. The 7th Republic Constitution of Niger guarantees equal rights for all citizens, and laws have been enacted to combat caste-based discrimination.

Despite these efforts, a significant number of people are subjected to discrimination based on caste, work and descent. Much work remains to be done to achieve genuine social equality and eliminate these discriminatory practices.



CHALLENGES IN ELIMINATING DESCENT-BASED SLAVERY AND SIMILAR PRACTICES IN NIGER



Numerous challenges exist in the application and implementation of certain legislation, and the administrative infrastructure required to support it is still lacking. Despite recognising the invalidity of traditional practices that conflict with civil law, discriminatory behaviours persist among specific populations like Arabs, Tuaregs, Fulani, and Toubous, leaving them vulnerable to Discrimination based on Work and Descent.



Major obstacles include gaps in legislation, delays in adopting national action plans, and establishing institutional mechanisms. It is concerning that laws are not being applied due to the misguided respect for discriminatory traditions that oppress the Communities Discriminated on Work and Descent.



Resource and capacity constraints also contribute to the ineffective enforcement of the law. Efforts to combat discrimination and modern slavery encounter various limiting factors, including endemic poverty, food insecurity, population growth, and illiteracy.



To achieve socio-economic stability and eradicate all remnants of traditional slavery and its contemporary manifestations, essential conditions must be met, such as poverty eradication, the rule of law, good governance, education, socio-economic empowerment, and the elimination of discrimination based on social origin. However, significant challenges persist, including poverty reduction and customary practices that perpetuate discrimination based on gender or social origin

Recommendations

Survivors and affected communities must be included in designing and implementing law and policy responses to social exclusion, discrimination, and slavery. It is also crucial that the government of Niger take a new step to declare that slavery is a crime against humanity, following the example of other countries such as Senegal and Mauritania

Some Key Recommendations Include



Survey: To undertake a nationwide study on the prevalence of slavery and slavery-like practices to establish a central database for victims of both historical and modern slavery. This initiative aims to facilitate effective rehabilitation and case management for addressing slavery crimes.



Rescue and Rehabilitation: To conduct an immediate rescue of people in chattel-based slavery and set up a robust rehabilitation programme, including immediate shelter, and livelihood options with a special compensation fund.



Justice : To improve access to justice, including state-funded legal aid and support for victims of slavery.



Disaggregated Population Census: To collect all population and related data disaggregated by ethnicity, caste, and other intersectional factors to enable better policymaking for advancing the rights of CDWD and other marginalised groups.



Legislation: To review existing legislation and, accordingly, effectively enforce existing laws and, where required, amend/ and/or repeal them.



To develop a National Plan of Action for combating slavery and slavery practices.



To ensure that slavery crimes are reported, efficiently investigated, and within the stipulated time.



To ensure that prosecution is effective to enable conviction of crimes as applicable, with penalties that would commensurate with the seriousness of crimes.



Sensitisation and training of law enforcement officials, judiciary, and administrative officials for building their technical capacities and for sensitive handling of cases.



To review the functioning of existing protection, monitoring mechanisms, and establishing specific commissions for targeted interventions. To strengthen the labour inspectorate for intensive monitoring of forced labour and worst forms of child labour.



To ensure political and religious leaders promote respect for human rights, eradication of slavery, and prevention of discrimination.



Awareness and Sensitisation Campaigns: To conduct wide-scale awareness campaigns, translating anti-slavery legislation into national languages for more comprehensive public understanding. To conduct human rights education for students of all ages, including Sahel region, on discrimination and modern slavery. To create a virtual information centre on slavery practices and discrimination. To use local, traditional and contemporary art and music for raising awareness, including traditional and newer forms of media, and with the involvement of local, national and international artists.



To design a focused poverty reduction, empowerment, and rehabilitation programme for the freed enslaved persons, formerly enslaved and descendants of enslaved persons. Due importance should be given to socio-economic empowerment such as : free and compulsory education for children, supporting CDWD children in their professional studies, livelihood education, skill development, housing, and healthcare, among other essential aspects.



To strengthen policies to ensure that businesses follow due diligence in sourcing from supply chains that do not engage in modern slavery and are liable and accountable for modern slavery in their supply chains.



To promote and strengthen the actions of the G5 Sahel network against slavery and discrimination.



International organisations, civil society groups, and academia should collaborate in solidarity to shed light on the persisting issue of descent-based slavery, along with the associated discrimination and exclusion. It is essential to raise awareness about the status of government responses both nationally and internationally.



Concerted and joint efforts to promote inclusion are required from all - businesses, government bodies, civil society organisations and the general public.

Introduction

Descent-based slavery is deeply rooted in Niger's history and social fabric and persists in contemporary times despite its abolition in 1960 upon independence and criminalisation in 2003. Traditional forms of descent-based slavery are widely prevalent in Niger. Additionally, modern forms of slavery and slavery-like practices impact the human rights of hundreds of thousands of its population.

National anti-slavery organisations estimate that over 870,363 persons are living in servile status in Niger. Traditional slavery continues within Niger's ethnic communities, among the enslaved caste groups. Some of these groups include - Ein Zari, Yagga, Kogno, Matchido, Eklan and Tchiwaderli, among others.

The most recent Global Slavery Index conducted by Walkfree, ILO and IOM in 2023 ranks Niger as the 23rd country in Africa with a prevalence of modern slavery. Over 112,000 people out of the 24,207,000 total population are victims of modern slavery. This means that 4.6 out of every 1000 persons are living in slavery or slavery-like practices.¹

CONTEXTUALIZING CASTE AND CASTE-LIKE SYSTEMS IN SLAVERY PRACTICES

The assignment of "occupation" or "work" to particular communities and the passing down of such work through "descent" essentially characterises the descent-based slavery in Niger as a caste-based or caste-like slavery system. Essentially, "caste" is an endogamous system of social stratification that divides people based on their occupation/work and birth/descent. It is deeply rooted in the Hindu caste system of India, spilling over to neighbouring countries in South Asia and worldwide through the South Asian diaspora.

Experts on anti-slavery and anti-caste discrimination recognise the commonalities between Niger's traditional and contemporary forms of slavery, with features of "social stratification" based on "work" and "descent" resembling the concept of caste-based discrimination or Discrimination based on Work and Descent (DWD).

'Discrimination based on Work and Descent' (DWD) is the UN terminology for caste-based discrimination. Several UN human rights bodies, including treaty bodies and Special Rapporteurs, have used the term, reaffirming that this form of discrimination is prohibited under international human rights law.

The communities formerly known as "slave-caste" and "occupational or artisan-caste" among the ethnic groups in Niger constitute the "Communities Discriminated by Work and Descent" (DWD).

These communities experience multiple layers of discrimination based not only on work and ancestry/descent but also on gender identity, disability, age, immigration, and other factors.

It is estimated that about 49.6 million people worldwide live in modern slavery today. Rightsholders' experience worldwide point to the engagement of Communities Discriminated on Work and Descent (CDWD) in various forms of modern slavery worldwide, including Niger.

The Inclusivity Project, in association with the Global Forum of Communities Discriminated on Work and Descent (GFoD) and other like-minded networks, organisations, and individuals, has been vigorously advocating for "giving a face to the people trapped in traditional and contemporary forms of slavery and slavery-like practices".

The present study, titled 'Communities Discriminated on Work and Descent in Niger and Status of Modern Slavery', is part of the Status Report for Africa region.



ABOUT THE STUDY

This study integrates evidence pointing to the identity of "caste" within ethnic groups as one of the predominant characteristics of modern slavery. Caste realities have also influenced other intersectional factors such as class, gender, and religion. This study provides a profile of the ethnic communities of Niger and the CDWD groups within them. It offers a country profile and human development indicators. The study further contextualises the role of caste and descent among the ethnic groups in determining their occupation. It explores the socio-economic status of the CDWD and the type of discrimination they experience due to their caste identity. The study also discusses the prevalence, nature, and scale of modern slavery among the CDWD of Niger and examines the national and international response to addressing it. Specific recommendations are provided to various parties, including the state, UN bodies, and industry.

Methodology

The study collates evidence gathered through desk research of existing studies, news articles, court cases, and judgments. Interviews were conducted with affected communities as well as non-DWD groups. Interviews with local rights groups and individuals working on eliminating descent-based slavery were also conducted. The study also draws upon the professional experience and lived experience of regional experts who have authored the study. The estimates of Modern Slavery presented in the study are derived from various secondary research sources, including UN agencies, academic research, CSO submissions to UN human rights mechanisms, country reports submitted to UN mechanisms, and news reports.

Chapter 2

Communities Discriminated On Work And Descent In Niger

The Nigerien society has many ethnolinguistic groups, including - **Hausa, Zarma, Tuareg, Peuls, Kanouri, Gourmantchéma, Boudouma, Dandi, Arab, and Issawghans**, among others.² Each of these ethnic groups are highly stratified into nobles and non-nobles. The hierarchy is based on caste-like segregation of occupation or "work" as assigned to particular communities of caste by birth or "descent".

In general, each of the ethnic groups comprised – **nobles or chieftains, marabouts** (murābiṭ in Arabic, scholars and religious leaders), and **merchants**, followed by the so-called "**lower caste**" groups – the **occupational or artisan caste and the enslaved caste**.

The Communities Discriminated on Work and Descent (CDWD) comprise the so-called "lower caste" groups within each of the ethnic groups. Some of these CDWD include - *Ein Zari (griots), Bayou, and Makéra*

among the *Hausa; Yagga, Bagney, Dabay, Banda, Zamey, and Kogno* (or *Kono-slave-caste*), among the Zarma people; *Matchido (Maccudo)* among the *Peuls (Fulfuldê); Eklan and Akli* among the Tuareg; and *Tchiwaderli* among the Gourmantché.

The government of Niger does not capture the population by ethnicity. As such, there are no official records of the population numbers of the CDWD community.

A 2004 study by Galy, Anti-Slavery International, SOS Esclave, Niger and Timidria association, estimated that over 44,000 people were in slavery at that point in time, while over 870,363 people were in servile status.³

It has to be considered that the above estimate includes people affected by descent-based slavery. When one includes the occupational/artisan caste group (as they fall under the ambit of the definition of 'Communities Discriminated on Work and Descent'), the CDWD

population of Niger will be more than the estimated population of 870,363 persons. Moreover, in the intervening years, with children born in slavery, the number of people in slavery and in servile status would be more than the 2004 estimates.

While both the enslaved caste groups and occupational/artisan castes constitute the 'Communities Discriminated on Work and Descent' in Niger, they are directly impacted by 'descent-based work.' However the nature, scale, and degree of discrimination, exclusion, atrocity, and stereotypes experienced by these groups vary.

The enslaved-caste group additionally bears the most inhuman shackles of the past – descent-based slavery. They remain the most marginalised, discriminated and excluded, increasing their vulnerability to remain in traditional forms of descent-based slavery and modern forms of slavery.

ETHNIC GROUPS OF NIGER, WHICH ARE THE MAJOR SLAVEHOLDERS AND MAJORITY OF THE POPULATION



HAUSA

- The Hausa are the largest linguistic group in Niger, accounting for 47 per cent of the country's population.

The CDWD groups include –Ein Zari (griots), Bayou, Makera.



ZARMA⁷

- The Zarma people are the second largest ethnic group in Niger, accounting for 18.2 per cent of the population. The Zarma are found in significant numbers in adjacent West African countries. In Niger, they are located in the westernmost region. They are among the major slaveowners in the west of the country. They also are relatively prosperous and enjoy dominance and clout in the region. This is evident from their control over natural resources such as land, livestock, and social (marriage) and political (elections) scenarios.

The CDWD group includes- Yagga, Bagney, Dabay, Banda, Zamey, and Kogno (or Kono; slave-caste)



TUAREG

- Also called Kel Tamasheq or Tamacheque (those who speak the Tamasheq language), the Tuareg represent around 4.6 per cent of Niger's population. They are located across the eight regions of Niger. Once nomads, the Tuareg are now primarily sedentary. Like the Zarma people, the Tuaregs are also major slave owners. They are also known for the purchase and selling of Wahaya – (sexual slaves or the fifth wife).

The enslaved caste group includes - Eklan, Akli

Persistent Descent-Based Slavery And Discrimination Of Communities - A Human Rights Concern

Descent-based slavery continues to be practiced in Niger, regardless of the prohibition. The disturbing lack of response from those in positions of authority, many of whom hail from traditional chieftaincy, lends legitimacy to this flagrant injustice. The traditional forms of slavery as defined in the 1926 Slavery Convention continues to persist and is also the driver for newer and modern forms of slavery in Niger, presenting a colossal human rights concerns for Niger's population.

It is understood that the persistent marginalisation of people through descent-based slavery and discrimination based on work and descent in Niger, are the key drivers to vulnerability and exploitation of people trapped in modern slavery. The concept of Modern Slavery and slavery-like practices in contemporary lexicon, thus encompasses both - the traditional slavery which has persisted in contemporary times, and the newer forms of slavery and slavery-like practices. The various forms of modern slavery in Niger include – persistent descent-based slavery, forced labour, domestic servitude, child labour, child soldiers, sexual slavery, sexual slavery in name of fake marriage (Wahaya practice) and sex and labour trafficking, among others.

There are varying estimates of descent-based slavery and modern slavery in the country. A 2004 study by Galy, Anti-Slavery International, and Timidria association, estimated that over 44,000 people were in slavery at that point in time, while over 870,363 people were in servile status.

The Global Slavery Index 2023⁸ on the other hand, estimates that there are over 112,000 people of 24,207,000 total population are victims of modern slavery in Niger -with every 4.6 out of every 1000 persons living in slavery or slavery-like practices. The global index also ranks Niger as the 23rd country in the Africa with prevalence of modern slavery⁹.

The broad classification of Modern Slavery in contemporary Niger is discussed below. Given the nature of slavery, there are overlaps across different forms of modern slavery:

(A) Persistent descent-based slavery, including chattel, passive slavery and sexual slavery;

(B) Other forms of Modern slavery (including both descent-based and new forms).

(A) PERSISTENT DESCENT BASED SLAVERY

As discussed earlier, a 2004 study identified over 44,000 people living in slavery, while over 870,543 were in servile status. These estimates, 20 years after the study, can reasonably be considered conservative as given the practice children are born into slavery. Descent-based slavery describes a situation where people are born into slavery and continue their lives in slavery. This is usually because their ancestors were captured into slavery, and their families have ‘belonged’ to the slave-owning families ever since. The slavery status is passed down the maternal line. National anti-slavery organisations¹⁰ identify descent-based slavery into three types - **Chattel slavery**, **Passive slavery** and **'Wahaya'** – a distinct form of sexual slavery.

CHATTEL SLAVERY



Chattel slavery is a distinct form of bonded servitude where the enslaved person is regarded as the owner's property. Consequently, the owner is free to sell, exchange, or treat the enslaved person akin to any other item of property and additionally retain the ownership of the enslaved children. The Chattel slaves in Niger would traditionally perform all kinds of domestic and outdoor servitude. The enslaved women and girls would additionally be subjected to sexual exploitation and abuse.

PASSIVE SLAVERY



Passive Slavery is a milder form of slavery where formerly enslaved people continue to perform some unpaid labour or are forced to give some of their crops to a former master. In this form, the former slaves retain some forced labour relationship with their former masters. Their individual freedom is still controlled through vestiges of traditional master-slave relationship.

'WAHAYA'



'Wahaya' is a distinct form of “sexual slavery” of women and girls, which involves the sale of young girls born in slavery in Tuareg communities of Niger, to wealthy Hausa individuals as an unofficial fifth wife. The girls, often under 15 years, are forcibly taken from the enslaved parents in Tuareg households since, as slaves themselves, they too have no say over their children. The practice persists in Niger (as also in Nigeria), despite being punishable under Act No. 2003-25 of 1 June 2003, which amended the Criminal Code to include the offences and crimes of slavery. The purpose of keeping a Wahaya is for “sexual and domestic servitude” – the nomenclature of “wife” being farcical and more importantly, illegal. The Wahaya is not paid any remuneration and has no recourse other than her master's goodwill. The practice can be exercised by any man who wishes to do so, whether he has one or several wives. Wahaya is prevalent in the Tahoua region, where keeping a Wahaya is a sign of affluence for notables, merchants and certain large-scale farmers and stockbreeders. The Tuaregs are known to be the sole suppliers of young black Touareg girls – specifically of slave status – as Wahaya.



WAHAYA

Descent-based sexual slavery of girls in Niger

In Niger, the Wahaya practice is found in the Tahoua region, particularly in the Illela, Bouza, Madaoua and Konni districts. The Tuaregs are the main suppliers of Wahayu, while the demand is either local (farmers/ tradesmen of Tahoua region) or from northern States of Nigeria (noblemen, tradesmen from Kano, Katsina, Zaria).

Fallacy and absurdity of term ‘fifth wife’: A Wahaya is not legally married to the so-called master, even though the practice connotes “fifth wife”. The convenient term of “fifth” comes from the fact that Islam religion allows four marriages (with pre-conditions).

Hence, the term of “wife” is a façade to hide the fact that, minor girls are bought for providing unpaid and lifelong labour and sexual gratification.



WAHAYU

Sexual slaves as young as the age of 10 – till they obtain freedom, or manage to flee, or perish.

A report on Wahayu by Galy, Moussa, Timidria, shows that – Wahayu women came from nomadic groups in Arzorori, Galma, Tambaye, Tajaé and Nobi. Over 80 per cent of them were sold before they reached the age of 15. They were bought or exchanged in 80 per cent of cases, at prices ranging from 200,000 CFA francs (€305) to 400,000 CFA francs (€610).

The *Wahayu* were permanent slaves of the legal wife/ wives and were never allowed to leave the house, other than for assigned work. Their daily back-breaking work included - household chores, farm labour, livestock rearing and care, child-rearing, and attending to all idiosyncrasies of the master and the entire family.

Children born of wahaya relations are recognized as legitimate, but are called ‘*dan wahaya*’ (wahaya child), to keep them in their place. The child of a wahaya often meets the same treatment as her. Those who have fled are known to take refuge in the village of Zongon Ablo, Dogueraoua in Konni district, which has a significant Wahayu population.

Wahaya Stories

Tikirit Amoukar, 45 years became a Wahaya when she was ten years. She lived as one for 15 years till she was freed. She recalls that “.....when I was a Wahaya – my work and I both belonged to my master. I was a “thing” – to be used anytime, anyhow. Now what I produce is mine alone....” Tabass Aborak was seven years when she was sold to be a Wahaya. In her 12 years of bondage, before she escaped to Zongon Ablo*, she was sold three times to Haoussa masters. Her last master had six more Wahayu, four of whom had children. Apart from the daily mistreatment, back-breaking work, hunger, and sexual abuse, one of the dreadful errands that Tabass had to do was follow the masters on foot when they would travel on camel – sometimes hundreds of kilometres back and forth.

** Zongon Ablo is a village where 80% of the inhabitants, mostly women, are Wahayu who have managed to flee from their sexual slavery and settle here.*

Tagat Ajakoke had spent over 55 years of her life as Wahaya before she bought her freedom with seven goats, six bags of millet and a donkey. Her mother was a Wahaya, her daughter is a Wahaya and so are her two granddaughters. Tagat’s daughter who was married to an enslaved person and had four slave children with him – was not spared from being sold as Wahaya. “A slave husband also has no rights”, she recalls. Tagat’s two granddaughters were also sold to so-called noblemen, some years later.

Excerpt from Report by Galy, Moussa, Timidria

CONVICTIONS ARE AN EVIDENCE OF THE PERSISTENCE OF DESCENT-BASED SLAVERY IN NIGER



While the social sanction and servile status of the survivors hamper reporting of cases, let alone prosecution and conviction, the few and far-between convictions point to the evidence of the persistence of descent-based sexual slavery in Niger.

One of the landmark cases that serve as a beacon of light for the survivors is Hadidjatou Mani Koraou Vs the State of Niger at the ECOWAS Court of Justice. She took the legal route and won an incontestable victory at the ECOWAS Court of Justice on 27 October 2008. The court issued a judgment declaring Niger "responsible for the failure" of its administrative and judicial services to take action in the case of Hadidjatou Mani Koraou. In May 2014, the Court of Assize of Birni N'Konni sentenced a 63-year-old man to 4 years in prison and a fine of CFAF 250,000 for the crime of buying the victim as his Wahaya.

Victorious Trial of Hadidjatou also showcases the apathy of local courts.

The ECOWAS Court of Justice issued a judgment declaring Niger "responsible for the failure" of its administrative and judicial services to take action in the case of Hadidjatou Mani Koraou, a Wahayu for nine years, in 2008. While a victory, the trial of Hadidjatou also showcases the apathy of local courts, contrary to the legislative, constitutional and international commitments. Hadidjatou, sold at 12 years to 46-year-old Elhadj Souleymane Naroua for 240,000 CFA, endured nine years of sexual slavery up to 21 years of age. Upon securing her freedom in 2005 post the intensive civil society campaign and new anti-slavery law in 2003, Hadidjatou married in 2007 and had a child. She, along with her husband and brother, were sentenced to prison by the family court of Konni in May 2007, with a fine of 50,000 CFA for bigamy. With the ECOWAS Court judgement in 2008, which ruled in her favour, Hadidjatou was finally free from slavery and received state compensation.

The conviction of Elhadj Souleymane

With the ECOWAS Court judgement in 2008, which ruled in her favour, Hadidjatou was finally free from slavery and received state compensation. The conviction of Elhadj Souleymane Naroua is definitely a human rights victory. His sentencing however raises the question of justice and proportionate penalty. Although convicted, he is punished with one year of imprisonment and a fine of \$1,000 - for years and years of rape of minors, alongwith and other forms of abuse. The abuse was not just of Hadidmajou, but also of seven other Wahayu, and the enslavement of their children. At the time of the case study conducted by local organizations, the perpetrator was absconding, and the status of other enslaved Wahayu individuals was unknown.



WHAT DOES DESCENT-BASED SLAVERY MEAN FOR PEOPLE'S LIVES?

Children of enslaved people are at the service of their so-called masters. Many parents have not seen their children grow up. In Tuareg society, very young children are often separated from their parents. They include, of course, all cases of the "Wahaya" phenomenon.

Children may be retained after the parents have been released, worn down by the weight of age. In any case, many children of enslaved persons have never known the warmth of a family. This is part of the so-called masters' strategy to train their enslaved people well from an early age to create a stronger relationship of control over them, leading them to obey only their orders.

These children are often born out of wedlock, and no baptism ceremony is organised to celebrate their birth. They are born and raised as slaves and classified as such in their communities.

In addition, several enslaved couples are separated because they are supposed to belong to different masters. Even if they have the same master, the latter may separate them anytime to serve another family member. Stigmatisation is the daily experience of enslaved people and their descendants. The enslaved descendants continue to be called by their slave-caste names – Iklan among the Tuaregs, Banney among the Zarma and Meciddo among the Peuls.

In some Tuareg circles, race is a criterion for identifying an enslaved person. In other words, any individual with black skin is a potential slave. Among the dominant caste groups, the term "slave" connotes - ugliness, absence of modesty and honesty, and are considered impure. In the local language, it is said that even the so-called masters' shoes have more value than a slave's. Specific trades such as blacksmithing, weaving, pottery, and mat-making, which require practical intelligence and manual dexterity and have played significant roles in human history, are stigmatised as "slave trades."

The enslaved people and their descendants face exclusion in various contexts. Those who show resistance and assertion are denied access to certain services like education, water supply, or wells. They are deemed unworthy of holding religious positions or political offices, regardless of their skills, education, or experience. As a result, social mobility is severely hindered for them, and therefore communities need more capable leaders who could lead collective progress.

(B) OTHER FORMS OF MODERN SLAVERY (DESCENT BASED OR NOT)

CHILD LABOUR



- Child Labour, including worst forms of child labour, is highly prevalent in Niger. Over 50.4 per cent of children between 5 - 17 years of age are working children, with 40 per cent of these jobs in the informal economy.¹¹ In 2014, of the country's total children, 50 per cent in the 5-11 age group and 77 per cent in the 12-14 age group were engaged in agricultural work and other activities in domestic work. Additionally, 90.2 per cent of the working children (5-14 years) in 2014 were found to work in the agricultural sector and perform unpaid family work.¹²

➤ **Children in Hazardous Work:** Children are engaged in hazardous types of work, particularly in mines and quarries, at informal sites, where young children accompany their parents and are involved in the production chain, in gypsum mines and salt quarries, sometimes performing small tasks to assist their parents' work on-site or, in some cases, performing physically dangerous jobs, for more than eight hours a day, every day of the week, running the risk of accident or disease.¹³

➤ **Begging by *talibé* children:** For economic and religious reasons, many families entrust their children from the age of 5 or 6 to a spiritual guide (marabout), with whom they live until the age of 15 or 16 (talibé children). During this period, the marabout has total control over the children and teaches them religion in exchange for performing various tasks, including begging.¹⁴

➤ **Vidomegon (Confiage):** Young girls from marginalised families are trapped in domestic servitude through a system known as "vidomegon" (confiage in French). This system consists of parents entrusting children to a near relative or family friend with the expectation that the child will receive an education. However, some children are exploited in domestic servitude or sex trafficking.¹⁵

➤ **Location d'enfant (Child Rental):** The ANLTP/TIM reported some parents "rent" out their children for the purposes of forced begging, as guides for vision-impaired individuals, or in domestic servitude in a phenomenon called location d'enfant (child rental) in the Kantche Department in Zinder.¹⁶

CHILD SOLDIERS



- NGOs and government entities have stated that school closures and economic vulnerability resulting from instability and the COVID19 pandemic have increased the likelihood for children to be recruited in to armed groups. International terror groups and extremist organisations are known to use children in combat and support roles and exploit women and girls as young as 13 in forced marriage.¹⁷

SEXUAL SLAVERY OF WOMEN AND GIRLS



- The *Wahaya* practice, which involves the sale of young girls born in slavery in the Tuareg communities to wealthy Hausa individuals as an unofficial fifth wife - is a form of sexual slavery. It is also a form of fake marriage in the name of sexual slavery. As discussed earlier, the purpose of keeping a *Wahayu* is for “sexual and domestic servitude”. Young girls under ten years are sold as *Wahayu*, and they are trapped in sexual and domestic servitude until they obtain freedom or flee or die.

TRAFFICKING OF PERSONS



- The Niger government, in its report to the Human Rights Committee (2018), has indicated that Niger is a country of origin, transit and destination for human trafficking, and the problem is becoming increasingly widespread.¹ The girls fleeing *Wahaya* practice (forced and fake marriage as 5th wife) are particularly vulnerable to traffickers, who exploit them in commercial sex, due to a lack of support services exacerbated by continued discrimination based on their former status as *Wahayu*.¹⁸

Traffickers exploit women and girls into forced begging in Niger and neighbouring countries. Semi-organised transnational criminal groups exploit Nigerien children in sex trafficking and forced labour in gold, salt, trona, and gypsum mines; agriculture; forced begging; stone quarries; markets; bus stations; and manufacturing within the country. Traffickers also exploit women and children in sex trafficking in neighbouring countries and northern mining cities and transportation centres in Niger.¹⁹

According to IOM, of the trafficked people assisted by them, 60% were children. More than half of them said that they had been subjected to forced begging, and over 30 per cent of them said that they had been sexually exploited.²⁰

There are no estimates of the true scale of trafficked victims including the CDWD from Niger. However, the caste-identifier of victims being *Wahayu*, or talibé children or of descent based slavery, point to the evidence that the CDWD of Niger are trafficked victims in significant numbers.

¹ (CCPR/C/NER/2, paragraph 98)

Discrimination, Prohibitions and Restrictions on CDWD

Discrimination and Prohibitions against the CDWD of Niger are evident across various ethnic groups, taking different forms and intensities in the following aspects:

Concept of impurity

The CDWD are considered impure and there is no social interaction between the noble caste and the CDWD other than services rendered from the latter. This is evident from segregation in housing, access to common resources, restrictions in marital alliances, and so on.

Social Segregation:

People of enslaved caste are typically compelled to live separately from the so-called noble caste, often residing in separate camps or villages, reinforcing the social divide and power dynamics. Some hamlets are particularly named with caste identifiers. The concepts of *dabaybanda* or *tunga* in the Zarma villages connote neighbourhoods or villages of slave descendants.

There are localities in Niger with stigmatising names reserved for "people of servile origin". Kassa is one such village in Ouallam department with hamlet called "Dabaybanda", which in Zarma language means "slave quarter". The community's desire to change the hamlet's name led to social tensions with the dominant groups who attacked the hamlet. Several community members were assaulted, tied up and humiliated. At the intervention of local anti-slavery organisation Timidria, a complaint was registered at the Ouallam court for slavery.

Racial Discrimination:

Skin colour-based discrimination is widespread, particularly among the Tuareg, where black *Tuareg* face lower-class status, particularly in the Tillabéri region, reinforcing unequal treatment and exclusion. Ironically, within the *Tuareg* community, some white men from CDWD castes are exempt, while some black *Tuareg* who do not belong to these castes are still treated as slaves due to their skin colour.

Stereotypes based on gender and caste-discrimination

Tuareg slavers of all colours say that raping a young virgin slave cures the master's rheumatism. This stereotype has many victims in the *Tuareg* societies of Niger. They also impose customs to showcase authority, such that the young *Tuareg* potters, who are believed to be good sprinters, have to catch a live gazelle to prove their virility before getting married. This practice, like many others, is designed to break the morale of the victims and make them accept their status as slaves.

Economic Discrimination

DWD Communities face economic barriers, including limited land ownership rights, which force them into low-income occupations such as blacksmithing, natron extraction and animal hide or leather work, stigmatised as "slave occupations".

Political Discrimination

The CDWD are systematically excluded from participating in political elections due to the common knowledge of repressed caste identity and society's disregard for their existence. Notably, CDWD members have yet to hold ministerial, parliamentary, or mayoral positions.

Religious Discrimination

The CDWD are denied leading prayers and religious knowledge by noble masters to prevent potential rebellion. However, there is a rare case of an enslaved person in Tahoua serving as a Limam in a mosque. Otherwise, CDWD lack ownership rights to mosques, face restrictions on participating in prayers, preaching, or reciting religious texts, and are prohibited from popularising religious text. Not a single mosque in Niger has been constructed by the CDWD. During prayer, CDWD individuals are not allowed to follow Islamic rules and are visibly distinguished from the noble class, reinforcing hierarchy and divisions.

Marital Restrictions

Marriages between CDWDs and individuals outside their community are socially prohibited or discouraged due to the perception of lower social status, resulting in intermarriage restrictions. The Zarma caste system particularly demonstrates this through strict alliances, where noble-caste and former slave-caste marriages are considered taboo, risking social ostracization or punishment. Such marriages require the noble-caste groom to provide additional offerings, and children from these alliances lose their claim to noble-caste status, often leading to community humiliation in inter-caste unions.

Land Ownership Deprivation

CDWD are systematically prevented from owning land. Instead, they are compelled to work on fields owned by their masters without personal ownership or control over their cultivated lands. Among the Zarma, the CDWD can cultivate land by taking it on rent or by debt repayment. This practice of renting land to cultivate is called 'Hiiyan', which means "to rent". The practice of 'pledging', called 'Tolme' in Zarma and 'Jinguina' in Hausa, is a form of debt repayment in which the owner gives a portion of land to the enslaved person to cultivate.²¹

Failure to comply with the social norms and restrictions often results in social ostracisation of the CDWD as a group or/ and physical harm and injury, at times fatal. Social ostracisation is barring entry into meetings, social functions, etc. Other reprisals include confiscating CDWD possessions, livestock, and curtailing mobility, among others.

Testimony from the village chief of Danki, who suffers from descent-based slavery. His community is threatened with eviction and expropriation of their land. The case is sub judice with the ECOWAS Court of Justice.

"I am Hassane Abdou, the head of Danki village. Our grandfather from Boubon founded this village after independence. In Peulh language, Danki means "the place of the calabash of milk that is milked with the cows". Our grandfather alongwith his siblings were taken from Zarmaganda as children and sold into slavery in Boubon. After independence, they were told they were free, and several households left their masters. They settled in villages, which their white masters named as - Danki Didbangou, Dagne gorou, Hondibéri - all of which are "dabay banda", ie, descendants of slaves whose grandparents were sold into slavery in Boubon.

As the current village head, my work revolves around farming, like my father. However, renting land is unprofitable, and we resort to selling wood for survival. We do not even have any claim to our land. The State confiscated our fields and gave them to the supposed landowners. They claim that we are their slaves and deny our right to land. We reluctantly accepted this, as our grandparents were once enslaved by his family.



Today, we endure inherited slavery and discrimination due to the inability to cultivate our fields. We even faced imprisonment for refusing to sow on disputed land. Slavery persists because those who claim our fields are descendants of our grandparents' masters, asserting ownership over us and our land.

I firmly believe that slavery must be eradicated. Our parents were bought as slaves, not captives of war. We are told that our fields belong to the "masters" - his grandparents were masters of our grandparents, and we are his inheritance. We inherited the slavery we suffer from our parents - the children of slaves are slaves and our land are his land!

We have suffered a lot of discrimination in the last 12 years - we have not cultivated our fields, and we were imprisoned in Kollo prison for 19 days because we refused to sow on land that doesn't belong to us. Slavery still exists in the Tillabéry region, as it does in other regions as well. There are others who suffer like us. Intervention is crucial to prevent a potential fight between us and the supposed masters. "

The interview was done in association with the NGO Timidria which works on anti-slavery and for the rights of affected persons.

Testimony from Ghaïchitou Aghali who is a black Tuareg from the Eklan In'majane caste (slave-caste).

Forty-year old Ghaïchitou has had no education but ensures that her three boys attend school. She recounts the discrimination she faces on an everyday basis.

"As a black person, I am accepted by my fellow black Tuaregs but rejected by the light-skinned Tuaregs who consider themselves noble. How do I know I am rejected? It is because the so-called noble people dismiss anything associated with our social status, except for our fields, physical labour, and animals. They do not participate in our ceremonies. Nor do they invite us. Taking part in our ceremonies is a dishonour and humiliation for them.

My fellow black Tuaregs and I face problems because of our ancestry. We are constantly reminded of our supposed inferiority. Many of us are forcibly displaced from our land. We do not have access to clean drinking water and food. The practice of Wahaya is still prevalent."



Testimony from Mariama Abdou, a 52-year-old saleswoman from Zarma

Mariama Abdou's experience is similar to Ghaïchitou's. A 52-year-old saleswoman from Zarma/ CDWD community, Mariama feels victimised and marginalised because of her formerly slave-caste identity.

"We, as victims of discrimination, are marginalised in the community because of our supposed origins from slave parents. People don't have any consideration towards us, and we don't enjoy our rights and freedom to live like all the members of the Songhai-Zarma community. We cannot undertake anything other than activities that are degrading or seen as such. Nor can we own land or have our own fields. To have access to them, we have to rent them from the owners (masters). My perception of our relationship with those around us is that we feel rejected because they see us as slaves".



THE DEVELOPMENT PARADIGM OF CDWD AND THE SDGs.

There are no specific statistics for CDWD regarding the population and their developmental indicators. Given the marginalisation and exclusion of CDWD through persistent descent-based slavery, it will not be wrong to assume that the development indicators of the CDWD population will be lower than the general population.

Decent Work and Employment:

The CDWD in contemporary Niger continues to be trapped in descent-based slavery and modern forms of slavery, as discussed in the earlier chapters. The occupational/ artisan caste group, who are distinct from the enslaved-caste group, continue to be engaged in various labour-related occupations such as blacksmithing, mat-making, jewellery-making, etc. Specific tasks and occupations are exclusively assigned to the CDWD community. The role of a butcher, for instance, is reserved for the Hausa caste. In contrast, other castes do not have designated butchers, except for rare cases where some individuals secretly engage in this activity. The particular task itself indicates the caste affiliation of a CDWD member. Similarly, within the Tuareg ethnic group, blacksmithing and working with animal skins are predominantly assigned to members of a specific caste.

On the other hand, the enslaved-caste groups continue to be trapped in descent-based slavery forms in domestic servitude, forced labour, child labour and so on, or remain in passive slavery whereby they remain in forced labour forms in deference to the traditional form of their slavery-relationship. The unique form of sexual slavery – Wahaya, continues to keep girls and women in unpaid domestic and sexual servitude for life till they obtain freedom, escape or perish.

In addition, exploitative social norms, which restrict the land ownership of CDWD for cultivation, force them to rent land (Hiiyan system) or lease land on debt-repayment (Tolme system), keeping them in the perpetual trap of debt repayment.

Gender Equality and Child Protection:

Niger ranks 153 among 191 countries on Gender Inequality Index. The women and children among the CDWD are victims of various forms of gender-based violence and discrimination, including slavery, sexual slavery, sexual abuse and violence, gender gap in pay or unpaid work, trafficking for sex work and forced labour, among other violations.

Poverty:

Niger is one of the poorest countries in the world, with over 16.18 million people (66.1%) living in multidimensional poverty. Without estimates for CDWD, it is not hard to imagine that most people in multidimensional poverty would comprise the CDWD. Rightsholder CSO experience shows that many formerly enslaved families live in extreme poverty, forcing them to remain in a passive form of slavery.

Slavery persists primarily among groups at the intersections of caste, poverty and other factors in rural areas, where limited income-generating opportunities hinder their self-sufficiency and ability to support their families. Their restricted options stem from being denied access to education as children and being forced into labour. Moreover, the constant threat of physical violence since childhood has instilled a sense of powerlessness, impeding their ability to assert their rights.

In rural regions, numerous individuals lack land ownership, and even those who possess land are often devoid of customary protection. Customary practices deny them any rights to land ownership. The constant fear of losing their land through expropriation, should they challenge their slave status or confront their current or former masters, remains a haunting deterrent. The looming threat of expropriation immobilizes them, preventing any action.

Health and Well-being:

In general, the health indicators for Niger's population are low. The under-five mortality rate is 115.2 (deaths per 1000 live births, UNICEF). In recent years, maternal mortality in Niger has reduced (509 deaths for every 100,000 live births in 2017, WHO). Life expectancy (2019) is 62 years, 63 years for women and 60 years for men.²³

The health indicators of the marginalised CDWD can be assumed to be similar or lower. Their working conditions are generally difficult and have consequences for women's health. Physical and mental exhaustion, recurrent pain due to difficult household chores that are too heavy for the children, risks of early pregnancy and infections due to sexual violence are all factors that jeopardise women's and girls' health. They have no right to care and are left to their own devices.

Education:

The overall adult literacy rate is 37 per cent of the total population, with adult female literacy being 29 per cent and male literacy being 47 per cent (2021).²⁴ Among women, the literacy proportion varies from 10 per cent in rural areas to 50 per cent in urban areas; among men, the corresponding percentages are 28 per cent and 65 per cent respectively.

The Rightsholder CSO experience shows that among the CDWD the literacy rate is abysmally low, with most being unlettered. A significant disadvantage, especially for girls, is the denial of education and exclusion from essential knowledge gained through schooling. These children are at risk of expulsion or being forced to quit school at any stage solely to keep them uninformed and uneducated.

Clean Water, Electricity and Sanitation:

The CDWD have limited options to access drinking water. They either need to travel 5 to 10 kilometres to meet their water needs or exchange services, such as domestic work, to access drinking water. Due to living in remote areas of Niger and insufficient electricity coverage, most CDWDs lack access to electricity. As a result, they primarily rely on traditional kerosene lamps for lighting.

Most CDWDs are denied using land owned by their masters for their sanitation facilities. Consequently, they have to rely on open defecation and are supposed to dump their human waste in a faraway land that does not belong to their masters. *(as told by interviewees in villages of Danki, Gountou Koira, in the Tillabery Region, southwestern Niger).*

Housing:

The CDWD are typically compelled to live separately from the so-called noble caste and often reside in separate camps or villages - reinforcing the social divide and power dynamics. Some hamlets are particularly named with caste identifiers. The concepts of *dabaybanda* or *tunga* in the Zarma villages connote neighbourhoods or villages of slave descendants.

The low development indicators resulting from persistent descent-based slavery and discrimination are evident in the poor socio-economic and political status of the CDWD.



NATIONAL RESPONSE MECHANISMS TO COMBAT MODERN SLAVERY



Slavery is prohibited under Article 14 of the Constitution of Niger, which provides that - no one may be subjected to torture, slavery, abuse or cruel, inhuman or degrading treatment. Any such act is made punishable in accordance with the law. The Constitution under Articles 11 and 12, further provides for the right to life, health, physical and moral integrity and the right to freedom and security of citizens, and the obligation of the state to protect its people.

In addition to the constitutional ban on slavery, Niger amended its Criminal Code in 2003 and criminalised slavery under law no. 2003-25 of 13 June 2003, articles 270.1 to 270.5.

Despite having this constitutional and legislative framework in place, the harsh reality remains that thousands of individuals are still subjected to traditional descent-based slavery and other modern forms of slavery in modern Niger. Those who escaped slavery are still considered part of the 'slave caste' and ostracised. This deeply entrenched form of slavery has evolved and manifested in various contemporary forms of enslavement. The persistence of slavery in Niger highlights the ongoing challenges and complexities associated with eradicating this deeply rooted practice.

Special Legislation to Combat Slavery

- Law no. 2003-25 of 13 June 2003, criminalises slavery through provisions in articles 270.1 to 270.5.

The law explicitly defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. It states that a “person of servile status” includes (a) persons in servitude with absolute dependence on a master, where women do not have the right to refuse, is promised/ given in marriage in consideration of cash or kind (b) where the person considered a slave is transferred to another master for a value or otherwise and (c) in situations where the master maintains the right to sexual relations with enslaved woman. Children (under 18 years) who are delivered to another person for purposes of exploitation or labour are also considered to be in “servile status”, and such practice/ institution is associated with slavery (Article 270.1)

The law makes slavery a punishable offence with ten to thirty years' imprisonment and a fine of 1,000,000 to 5,000,000 francs" for reducing someone to slavery/ inciting someone to forfeit their freedom for slavery purposes (Article 270.2). Any attempt to commit such crimes is punishable by the same penalty. (Article 270.4).

Legislation to Combat Harmful Practices, Child Labour and Trafficking of Persons

- Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons - which prohibits all forms of sale and trafficking and establishes prison sentences from ten to 30 years in cases where the victim is a child.

- Act No. 2003-25 of 13 June 2003, amending Act No. 61-27 of 15 July 1961 establishing the Criminal Code, which criminalizes female genital mutilation;

- Decree No. 67 126/MFP/T of 7 September 1967, section 152, prohibits the employment of children in underground work in mines. The Minister of the Interior has prohibited the employment of children in mines and quarries in the areas concerned, namely Tillaberi, Tahoua and Agadez, by means of a circular. Certain types of hazardous work, under the decree authorises the employment of children over 16 years of age.

- Decree No. 2017 682 PRN/MET/PS on the regulatory component of the Labour Code, adopted on 18 August 2017, contains a revised list of dangerous types of work prohibited for children under 18 years of age, including a **prohibition on employing children under 18 years of age in gold panning and other artisanal mining.**

Other Relevant Legislations:

- Act No. 2000-008 of 7 June 2000, as amended by Act No. 2014-64 of 5 November 2014, establishes a quota system to promote the representation of women in elective office in the Government and the State administration.

SPECIFIC DEVELOPMENT MEASURES FOR COMBATING PERSISTENT SLAVERY AND SLAVERY-LIKE PRACTICES

- National Commission to Combat the Vestiges of Forced Labour and Discrimination.
- National Commission to Coordinate Action against Trafficking in Persons (CNLTP) and the National Agency to Combat Trafficking in Persons and the Smuggling of Migrants (ANLTP/TIM) established to design and implement national programmes, strategies and plans to combat trafficking in persons, through a National Plan of Action.
- The National Human Rights Commission (CNDH) established in 2019. Every year the CNDH presents an annual report on the state of human rights to the National Assembly.
- Creation of community schools (MODECOM) in areas in which communities with slave origins are established, with a view to promoting their emancipation. Facilitation of birth certification and identity documentation through campaigns in fairs etc.
- High-level fact-finding mission conducted in 2006 to determine trafficking of persons within and through Niger.

GAPS IN LEGISLATIONS AND PROVISIONS

The broad areas of gaps in Legislations and provisions are as follows :

- Lack of government data on ethnicity hampers concerted special measures for their welfare and advancement.
- Lack of measures for birth registrations leads to the inability of the CDWD to access vital services, including children, to access schools.
- Low reporting and poor investigation of cases lead to low cases, given the potentially high number of slavery cases. Notably, there have been no convictions in employment of children in mines.
- The Commissions set up for combating forced labour (The National Commission to Combat the Vestiges of Forced Labour and Discrimination) and for combating trafficking and smuggling (National Agency to Combat Trafficking in Persons and the Smuggling of Migrants (ANLTP/TIM) lacked the resources to discharge its functions.

Chapter 7

INTERNATIONAL RESPONSE MECHANISMS

Niger is party to core international treaty bodies and their supplementary optional protocols that are relevant for eliminating modern slavery and slavery-like practices. Niger has ratified all major Treaty Bodies ^{26/27} and ILO Conventions²⁸ that are pertinent to eliminate all forms of slavery and slavery-like practices.

| UN Treaty Bodies' Ratification | |
|---|---|
| Slavery Convention 1926 | ✓ |
| Protocol to Slavery Convention 1953 | ✓ |
| Supplementary Slavery Convention | ✓ |
| Convention on Elimination of Racial Discrimination 1965 (CERD) | ✓ |
| Covenant on Civil and Political Rights 1966 (CCPR) | ✓ |
| Covenant on Economic, Social and Cultural Rights (CESR) 1966 | ✓ |
| Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW) | ✓ |
| Convention on the Rights of the Child 1990 (CRC) | ✓ |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | ✓ |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families | ✓ |

| ILO Standards' Ratification | |
|---|---|
| Forced Labour Convention, 1930 (C-29) | ✓ |
| The Protocol of 2014 to the Forced Labour Convention, 1930 (P029) | ✓ |
| Abolition of Forced Labour Convention, 1957 (C-105) | ✓ |
| Worst Forms of Child Labour Convention, 999 (C-182) | ✓ |
| Minimum Age Convention, 1973 (C-138) | ✓ |
| Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-087) | ✓ |
| Right to Organise and Collective Bargaining Convention, 1949 (C98) | ✓ |
| Equal Remuneration Convention, 1951 (C-100) | ✓ |
| Discrimination (Employment and Occupation) Convention, 1958 (C-111) | ✓ |

The government has been working closely with the Office of the High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), and few international governments. These initiatives include improving access to education, healthcare and employment for the communities affected by slavery, ensuring that they benefit from the same opportunities as other groups in society.

The UN Treaty and charter bodies, relevant ILO committees, and few international governments have made key observations particular to the persistent slavery practices in Niger, and have made specific recommendations for protection of the rights of the affected communities.

Key Observations By UN Treaty and Charter Bodies

The United Nations Special Rapporteur on contemporary forms and practices of slavery, including their causes and consequences, recommends that the State of Niger respect human dignity and prohibit exploitation and slavery by strengthening existing policies and programmes with a view to definitively eradicating the practice of slavery and its consequences, especially among traditional nomadic chiefs.

The Human Rights Council in its thirty-eighth UPR session, March 1, 2021, noted the efforts made to combat trafficking in persons and slavery, in particular under articles 270.1 to 270.5 of the Criminal Code and Ordinance No. 2010-86 of 16 December 2010. The committee raised concerns on the persistence of the practice of descent-based slavery, including child slavery, forced labour, forced begging and trafficking in persons. The Committee also regretted the limited resources allocated to combating those practices and rehabilitating victims.²⁹

In its concluding observations issued on 21 November 2018, the Committee on the Rights of the Child (CRC) raised concerns about children trapped in and affected by (i) descent based slavery (ii) harmful practices (child marriage, female genital mutilation) (iii) children in armed conflict – they also lack birth certificates, and are in detention centres or prosecuted as terrorists and imprisoned (iii) child labour – talibé children in Qur’anic schools and child domestic workers who are exposed to long hours of work without any rest day and with little pay. The committee raised concerns on the limited prosecution of such cases.

The committee strongly urged the government to eradicate such forms of child abuse and exploitation, with sufficient human, technical and financial resources, monitoring mechanisms, awareness raising campaigns and ensuring effective prosecution of such cases. The Committee called for the adoption a national plan of action to combat slavery; helplines and related services for children at-risk of harmful practices, and for treating children in armed conflict as those in need of protection, and release and reintegrate such imprisoned children.³⁰

In its Concluding Observations issued on May 24, 2023, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) raised deep concerns on harmful customary practices against women, particularly those of slave descent - child marriage, forced marriage and Wahaya (fifth wife); and with regard to right to own or inherit land. The committee strongly urged the government to eliminate all harmful practices against women of slave descent, and for effective prosecution.

In its Concluding Observations issued on May 21, 2019, the UN Committee on the Elimination of Racial Discrimination (CERD) raised pertinent concerns on persistence of widespread discrimination and social exclusion of persons of slave descent, particularly in - obtaining identity papers, birth registrations, access to education, employment and health services, and forced caste-identifying names of hamlets they live in.³¹

The committee strongly urged the government to address on priority, the structural and systemic causes of descent-based discrimination; take measures to ensure access to identity, birth registrations, education and other services for persons of slave descent; and prohibit all forms of stigmatisation and segregation of people of slave descent. Measures to change the stigmatising names of the hamlets and localities was also recommended.³²

In its Concluding Observations on 16 May 2019, the Committee on Civil and Political Rights (CCPR) expressed concerns on the persistence of slavery, including of children based on descent, trafficking of persons, forced begging by talibé children in Qur'anic schools . Some other issues raised included - low enforcement of relevant legislations, penalties do not commensurate with seriousness of slavery crimes, inadequate resources for combatting these practices and for rehabilitation, the overall lack of available information on the scale of slavery based on descent, including child slavery, forced labour, forced begging and trafficking in persons.

The committee urged the government to – collect data disaggregated by age, sex and origin of victims, raise awareness of relevant legislations, strengthen institutional mechanisms for financial and human resources, in particular the National Agency to Combat Trafficking in Persons, systematic investigation and prosecution of slavery crimes, including of descent and for purposes of trafficking, child labour and abuse; and rehabilitation services for the victims.³³

In its Concluding Observations of 4 June 2018, the Committee on Economic, Social and Cultural Rights (ESCR) expressed concerns at the number of children who are economically exploited in mines, often in hazardous conditions; forced begging and sexual abuse of children.^{34/35}

Key Observations By Relevant ILO Conventions

Forced Labour Convention, 1930 (No. 29) and Protocol of 2014 to the Forced Labour Convention, 1930, 109th ILC session (2021)

The National Commission to Combat Forced Labour and Discrimination lacks the necessary resources to fulfil its functions effectively. The Committee suggested that the government should increase its efforts to eradicate slavery-like practices and implement a national strategy to combat slavery. While the government has taken steps to address trafficking in persons and forced labour through the National Commission to Combat Trafficking in Persons, the Committee highlighted that slavery and trafficking have distinct characteristics and require separate approaches. In 2003, slavery-related crimes were included in the Penal Code without an overarching strategy to combat these practices. The Committee has previously emphasized the complex nature of the factors contributing to the persistence of slavery-like practices and the need for specific measures to address them.

The committee urged the government to adopt a national policy and plan of action against slavery, specify the implementing authority, and conduct a comprehensive study in collaboration with the Office. Additional measures to address root causes and ensure sustainability of programs for former slaves and their descendants were recommended. The government was also urged to take specific actions to identify and assist victims, provide information on reported cases and protective measures, and enhance the capacities of law enforcement and judicial authorities to combat slavery.³⁶

Worst Forms of Child Labour Convention, 1999 (No. 182), 108th ILC session (2019)

The committee raised specific concerns on the sale and trafficking of children in Niger and on the low prosecution of trafficking crimes.

The Committee urged the government to effectively implement Ordinance No. 2010-086 on combating trafficking in persons in Niger, specifically requesting statistics on violations, investigations, prosecutions, convictions, and penalties related to child trafficking. The government is urged to implement the National Plan of Action to Combat Trafficking in Persons, with a focus on protecting children under 18. Addressing the low prosecution and conviction of marabouts exploiting children for economic purposes, the committee calls for thorough investigations, prosecutions, penalties, and the strengthening of law enforcement capacities. Effective implementation of legislation protecting children from underground work and artisanal mining is also urged, along with updates on progress. Finally, efforts to combat the sexual exploitation of children should be intensified, and the adoption of the National Plan of Action to Combat the Sexual Exploitation of Children should be expedited.

Minimum Age Convention 1973 (No. 138), 108th ILC session (2019)

The committee raised specific concern that only 2.7 per cent of children between 5 and 14 years of age who work in the agricultural sector are protected by the Labour Code. The committee urged the government to eliminate child labour, specifically targeting children under 14 years old, particularly in the informal economy and hazardous conditions. It called for extending the scope of the Labour Code to the informal economy and children working independently. It further urged the government to strengthen labour inspection capacities, especially for informal economy interventions. Additionally, it urged the government to ensure health and occupational safety in enterprises engaging young persons aged 16 to 18 years, to provide information on the measures undertaken and results achieved.

RECOMMENDATIONS

Survivors and affected communities must be included in designing and implementing law and policy responses to social exclusion, discrimination, and slavery. It is also crucial that the government of Niger take a new step to declare that slavery is a crime against humanity, following the example of other countries such as Senegal and Mauritania. Some key recommendations include:

1. **Survey:** To conduct a national study on the prevalence of slavery and slavery-like practices. To establish a central database on slavery and modern slavery victims, for enabling effective rehabilitation, and case management of slavery crimes.
2. **Rescue and Rehabilitation:** To conduct an immediate rescue of people in chattel-based slavery and set up a robust rehabilitation programme, including immediate shelter, livelihood options a special compensation fund.
3. To improve **access to justice**, including state-funded legal aid and support, for victims of slavery.
4. **Disaggregated Population Census:** To collect all population and related data disaggregated by ethnicity, caste, and other intersectional factors to enable better policymaking for advancing the rights of CDWD and other marginalised groups.
5. **Legislation:** To review existing legislation and, accordingly, effectively enforce existing laws and, where required, amend/ and/or repeal them.
6. To develop a **National Plan of Action** for combating slavery and similar practices.
7. To ensure that **slavery crimes are reported, efficiently investigated**, within the stipulated time. To ensure that prosecution is effective to enable conviction of crimes as applicable, with penalties that would commensurate with the seriousness of crimes.
8. Sensitisation and training of **law enforcement officials, judiciary, and administrative officials** for building their technical capacities and for sensitive handling of cases.
9. To review the functioning of **existing protection and monitoring mechanisms** and establish specific commissions for targeted intervention. To strengthen the labour inspectorate for intensive monitoring of forced labour and worst forms of child labour.
10. To ensure **political and religious leaders** promote respect for human rights, eradication of slavery, and prevention of discrimination.

11. **Awareness and Sensitisation Campaigns:** To conduct wide-scale awareness campaigns, translating anti-slavery legislation into national languages for more comprehensive public understanding. To conduct human rights education for students of all ages, including Sahel region, on discrimination and modern slavery. To create a virtual information centre on slavery practices and discrimination. To use local, traditional and contemporary art and music for awareness raising, including traditional and newer forms of media, and with the involvement of local, national and international artists.
 12. To design a **focused poverty reduction, empowerment and rehabilitation programme** for the freed enslaved persons, formerly enslaved and descendants of enslaved persons. Due importance to be given to socio-economic empowerment, free and compulsory education of children, support of CDWD children for professional studies, livelihood education and skill development, housing and health care, among others.
 13. To **strengthen policies** that would ensure businesses follow due diligence in sourcing from supply chains that do not engage in modern slavery and are liable and accountable for modern slavery in their supply chains.
 14. To **promote and strengthen the actions of the G5 Sahel network** against slavery and discrimination.
 15. International organisations, civil society groups and academia should collaborate in solidarity to shed light on the persisting issue of descent-based slavery, along with the associated discrimination and exclusion. It is essential to raise awareness about the status of government responses both nationally and internationally.
 16. **Concerted and joint efforts to promote inclusion** are required from all - businesses, government bodies, civil society organisations and the general public.
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References

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² It may be noted that ethnic groups are spelt differently in various literature. The study has attempted to use the spelling used by the group in that particular country as far as possible. Also, the groups are divided in terms of ethnolinguistics, and the names of sub-groups are in terms of languages and the region where the groups are located.

³ Slavery in Niger: Historical, Legal, Enumeration and Statistical Aspects. Anti-Slavery International and Association Timidria Galy Kadir Abdelkader. March 2004

⁴ <https://www.stat-niger.org/> (accessed 28.6.23)

⁵ HDR 2022; HDR 2022; Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World, Human Development Report, 2021/2022, https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf [accessed June 18, 2023]

⁶ *Ibid*

⁷ The Zarma of Niger are distinct from the Djerma-Songhai/ Zarma-Songhay or Songhay-Zarma from the neighbouring Songhai region

⁸ The global study titled Global Estimates of Modern Slavery (GEMS 2023), conducted by Walkfree, ILO and IOM in 2023, maps the modern slavery status worldwide. It has covered a total of 160 countries. Modern Slavery is commonly categorised to include - (I) Forced Labour, including descent-based servitude, bonded labour, child exploitation, sexual slavery and trafficking of persons, among others and (II) Forced Marriage. In the 2023 report, it is estimated that as a worldwide phenomenon, Modern Slavery affects over 50 million people worldwide who are living in modern slavery and slavery-like practices.

⁸ Walkfree 2023, The Global Slavery Index 2023, Minderoo Foundation, <https://www.walkfree.org/global-slavery-index/findings/regional-findings/africa/> [accessed June 13, 2023]

¹⁰ Association Timidria du Niger, Association de Défense des Droits de l'Homme, Anti-Slavery International

¹¹ ENESI-INS 2012

¹² ILO 182, 2019

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¹⁴ ITUC Submission to CRC

¹⁵ TIP 2022, Trafficking in Persons Report July 2022, US Department of State, 2023, [accessed June 13, 2023]

¹⁶*ibid*

¹⁷*ibid*

¹⁸*ibid*

¹⁹*ibid*

²⁰ILO 182, 2019

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²³World Bank

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²⁵ENAFEME- Niger 2021 Final report

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³¹CERD/C/NER/22-25

³²CERD/C/NER/CO/22-25

³³(CCPR/C/NER/CO/2).

³⁴https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3954925,103254:NO

³⁵E/C.12/NER/CO/1, paragraph 46

³⁶https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4041627,103254:NO

Country Report

NIGER

Africa



**The Inclusivity Project and
Global Forum of Communities Discriminated on Work
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2023**