



August 2004

Information on Niger

Compliance with ILO Convention No.29 on Forced Labour (ratified in 1961)

In Niger, different ethnic groups, by virtue of their birth, continue to work without pay for their traditional masters, primarily as herders of livestock, agricultural labourers or domestic servants. The Government of Niger has responded positively to this problem by recognising that the phenomenon of slavery “has not been totally eradicated” and by taking appropriate legislative action. Consequently, on 5 May 2003, changes to the Penal Code were adopted by the National Assembly and subsequently approved by the President as Act No.2003 – 025 on 13 June 2003. These changes to the Penal Code make slavery a criminal offence and those responsible for enslaving another person, including accomplices, face a term of imprisonment of between 10 and 30 years and a fine.

The Prime Minister subsequently wrote to Chiefs and district administration heads requesting the law be implemented and the Minister of the Interior also informed the appropriate authorities of the amendments to the penal code in a circular on 12 July 2003. However, the fact that the law was not printed in the Official Journal until April 2004 has undermined the implementation of this new legislation and to date no legal proceedings have been initiated against anyone for their involvement in slavery during the last year.

While the Government accepts that slavery persists in Niger and recognises the gravity of the issue, the Government has questioned, both in the Committee of Experts report (2004) and at the ILC Standards Committee (2004), whether the figures quoted, which are derived from the research carried out of the non-governmental organisation, Timidria, are accurate, describing them as “fairly exaggerated” and “excessive”.

In this context it should be stressed that Timidria’s research (carried out in 2002-03) is the most comprehensive survey to date, involving over 11,000 face to face interviews in six regions of the country (Agadez, Tahoua, Maradi, Zinder, Tillabery and Dosso).

The research showed that those interviewed were able to identify individuals by name as their masters. Those interviewed generally worked directly for their master in exchange for minimal amounts of food and a place to sleep, which would typically be a shelter that they had built themselves. In response to a question asking who makes the decision on your marriage, 84 per cent (8,310 people) said that their master was solely responsible for the decision, while 82 per cent (6,103 people) replied that that their master was solely responsible for the decision on whether their children attended school.

The 1926 United Nations *Slavery Convention* defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the rights of ownership are

exercised.” Clearly, the vast majority of the 11,000 people interviewed are slaves under this definition as they have identified someone as their master and that person is in a position to demand their labour for no pay and decide whether or not their children go to school and who they marry.

It must be stressed that the Government has not carried out research of its own which contradicts the findings of Timidria’s research nor given its own estimate of the extent of the phenomenon as requested by the Committee of Experts (2004). It should also be noted that Timidria’s survey is not an exhaustive study of all those who are in slavery in these particular regions or in the country as a whole. Thus, rather than exaggerating the problem, this research provides us with what is likely to be a minimum baseline of the number of people in slavery in Niger. Indeed following the publication of the study, a further 5,402 people came forward to Timidria and claimed that they were slaves.

More recently, a six member mission from Timidria (including Iguilas Weila who is also a member of the National Commission for Human Rights and Fundamental Liberties), documented the continuing use of slavery during a mission to Agadez, Zinder, Maradi and Tahoua (13 – 20 February 2004). The mission identified 86 slaves and noted that the practice was not being challenged by the authorities.

Furthermore, in July 2004 Timidria informed Anti-Slavery International that they had identified 802 new cases of slavery. Of these, 793 were in the village of Babou Saye (around 65 kilometres from Niamey). Village representatives invited Timidria to Babou Saye where Timidria registered 440 women and 353 men as slaves, however nothing has been done to assist them to date due to a lack of resources.

This information highlights the fact that slavery is a significant problem in Niger, which the Government needs to address through a co-ordinated plan of action to combat the problem. The Government has not yet undertaken a national survey to map the prevalence of slavery in the country nor organised awareness raising and educational activities for the population on its rights and duties (which should include those arising out of the new law). Both these proposals were made in the study conducted under the auspices of the ILO in 2001 and adopted by the Government.

Following the passage of the law we are not aware of any measures being taken by the Government either to release or rehabilitate slaves. However, information from Timidria indicates that there are ample opportunities for the authorities to take action against slavery. For example, Timidria itself has reported being involved in the release of approximately 100 slaves on 14 August 2003 in Bermo and since May 2004 they have assisted in freeing 16 slaves in the Tahoua region, some of whom are intending to take their former master to court to try and obtain compensation.

In light of the above, we urge the Government to take active steps to ensure that the new legislation is enforced, in accordance with Article 25 of the Convention and encourage the Government to:

1. Establish an Observatory for the eradication of slavery, which is composed of government representatives, the National Commission for Human Rights and Fundamental Liberties (CNDLF) and appropriate representatives from intergovernmental and non-governmental organisations.

2. Mandate the Observatory to develop an action plan for the release and rehabilitation of all those who live in conditions of slavery, including public information campaigns regarding the new law; training for police officers and the judiciary; and the provision of education programmes and economic alternatives to former slaves.
3. Submit regular reports to the Committee of Experts on the progress made in implementing the law, including the number of people released from slavery and the number of people charged and successfully prosecuted under the new law (with sentences passed), as well as programmes and measures specifically adopted for former slaves or descendants of slaves to prevent them from falling back into slavery as a result of a lack of means of subsistence.