



July 2005

Information on Niger

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

Serious concerns over the Government of Niger's position on slavery

After failing to take active measures to release or rehabilitate slaves in 2004, the Government seemed to have taken a significant step forward in 2005 when it agreed to take part in an historic ceremony to mark the end of slavery in the country. The ceremony was to be hosted by the National Human Rights Commission on 5 March 2005, and held near the Mali border in In Atès in Tillabéri, where the chief of In Atès would announce that all of the slaves in his area would be free. This would have freed some 7,000 people¹.

However, the slaves were not freed and the Government used the “ceremony” as an opportunity to warn slave masters not to release their slaves officially; stating that if they do, they could be subject to 30 years in prison. Timidria (a non-governmental human rights organisation) and others also reported government intimidation, preventing slaves from attending the ceremony.

The Government of Niger then arrested the president of Timidria, Mr. Ilguilas Weila, and his colleague Mr. Alassane Biga on 28 April 2005 for fraud relating to the planned release. Following demonstrations in the capital Niamey at the end of May AFP quoted a government spokesman who denied the existence of slavery in Niger and accused those who raised the issue of being determined “to damage the country’s image and its leaders”. The two members of Timidria were released on bail on 27 June, but the charges against them are still pending.

Slavery in Niger

In 2003, the Government of Niger responded positively to the problem of slavery in the country 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.

¹ The estimate of the number of slaves to be freed came from the master himself, who declared he and his fellow chiefs in the area had 7,000 slaves.

The Prime Minister subsequently wrote to the Minister of the Interior who then 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 undermined the implementation of this new legislation and to date no legal proceedings have been initiated by the authorities against anyone for their involvement in slavery during the last year.

While the Government accepted that slavery persisted in Niger and recognised the gravity of the issue, the Government 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 by Timidria and Anti-Slavery International, were accurate, describing them as "fairly exaggerated" and "excessive".

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, Tillabéri 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 their master was solely responsible for the decision on whether their children attended school.

In February 2004, a six-member mission from Timidria (including Ilguilas 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. The mission identified 86 slaves and noted that the practice was not being challenged by the authorities.

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 (approximately 65 kilometres from Niamey). Village representatives invited Timidria to Babou Saye where Timidria registered 440 women and 353 men as slaves. However, the authorities took no action to release or assist these people.

During 2004, Anti-Slavery International also gathered numerous first-hand accounts by slaves documenting the abuses they suffer. Women have spoken of living in constant fear of abuse, and rape is common. Women consider themselves the master's property and so they submit to his demands for sex. The master exerts psychological control by telling his slaves if they do everything he demands they will go to heaven.

Masters also consider they have the right to demand the marriage dowry of their former slaves (which consists of bed, tent, kitchen utensils) and when a slave dies the master can demand the inheritance, even if the former slave has children. Since Timidria started awareness raising in Talamcis, villagers have begun to refuse to hand over their dowries or inheritance. However the masters continue to make demands for money or chores.

Boulboulou, a freed slave, gave Anti-Slavery International a detailed account of the abuse she suffered as a slave. She was taken from her mother at two years of age, and expected to spend

her whole life working for her master. She often suffered verbal and physical abuse if she did not meet her master's demand. She was given to her master's daughter as a wedding present, and herself was married to someone without her consent. When her own daughter was two years old she was taken away from her. This was when she decided to escape. With the help of Timidria she was able to locate her family and secure the release of her daughter.

Aminata (a woman who ran away from her master) told of a woman who had a plait torn from her head and her livestock seized by her family's former master as she had refused to hand over 80 goats that she had inherited from her father. Timidria took the case to the local magistrate in Tchintabaraden. The magistrate ordered the master to return the animals. Another practice that continues in relation to marriage is when a girl finds a suitor, the suitor has to go to the master and ask for the girl's hand, often the master will demand the dowry or money in exchange for his consent.

Timidria 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. However, Anti-Slavery International is not aware of any measures being taken by the Government either to release or rehabilitate slaves since the changes to the Penal Code were adopted in June 2003.

Conclusions and recommendations

This information above highlights the fact that slavery is a significant and ongoing problem in Niger. However, the Government has failed to initiate a co-ordinated plan of action to combat the problem. Nor has it 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 agreed to by the Government.

To the best of Anti-Slavery International's knowledge, the Government has not charged or secured a single prosecution for slavery related offences and therefore is not in conformity with Article 25 of ILO Convention No.29.

Worst of all, the Government public statements in 2005, which deny the existence of slavery in Niger are likely to be interpreted by all those involved in this practice as a licence to continue this exploitation with impunity. The fraud charges against leading members of Timidria, which Anti-Slavery International considers to be without foundation and which at the time of writing were still pending, may also be seen as an attempt to suppress their activities to combat slavery in Niger. The shift in position by the authorities is striking as prior to March 2005 the Government had not only recognised slavery as being a problem but had taken positive steps to address it.

In light of the above, we would make the following recommendations:

1. That the Government of Niger establishes a national observatory made up of representatives from the Government, human rights and civil society non-governmental organisations, which will develop an action plan to release and rehabilitate all those living in conditions of slavery. This action plan should include public information campaigns

regarding the new law, access to education programmes and the provision of economic alternatives to former slaves.

2. That Observatory should submit regular reports to the Government of Niger and other inter-governmental bodies on progress made in implementing the law, including training of officials, awareness raising initiatives and the number of people charged and successfully prosecuted under the new law.