



Post-Hearing Brief

Case: # 002-CP-06

In re: Niger Country Practice Petition

April 23, 2013

ATTN:

Mr. Bill Jackson, Director, GSP Program
Chairman, GSP Subcommittee of the Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th St., NW
Room 514
Washington, DC 20508

The International Labor Rights Forum (ILRF) submitted a request for review of the GSP status of the Republic of Niger on July 20, 2006. In that submission, the ILRF outlined specific instances of how the Government of Niger had failed to take steps to afford "internationally recognized worker rights" as required under 19 U.S.C. § 2462(b)(2)(G) with regard to forced labor, trafficking, caste-based slavery, and some of the worst forms of child labor.

At the recent GSP subcommittee hearing on March 28, 2013, Ambassador Maman Sidikou reviewed some of the steps the Nigerien government has taken to address the serious labor and human rights violations with which his country continues to struggle. While we are encouraged by the current government's engagement with these issues, we believe it would be premature to dismiss the current complaint until the government can better document its efforts to end caste-based slavery, forced labor, and trafficking.

I. Background

When the ILRF filed this complaint nearly six years ago, Niger was ruled by an anti-democratic government that denied the existence of caste-based slavery and other forms of forced labor within its borders and even persecuted civil society organizations who sought to draw attention to these practices. Government officials routinely refused to enforce existing laws banning slavery and routinely downplayed the extent of the problem.

Aided by a change in government and this on-going GSP complaint process, Niger has is no longer in denial and has begun to focus on the real issues that need to be addressed if

they to make substantial progress on caste-based slavery and forced labor: strengthening its legal framework; raising public awareness; training law enforcement; and, most importantly, robust enforcement of its laws against these practices. While the current government's engagement is welcome, the reality is that it has only begun to scratch the surface of what will be required to make substantial progress against these egregious forms of modern day slavery.

II. The Government of Niger has not yet made sufficient progress to warrant ending the current GSP country practice review.

During his testimony, the Ambassador highlighted the government's efforts to combat human trafficking, including the establishment of The National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons. ILRF understands that the members of the National Commission have been appointed, but that the National Agency does not yet have a Director General, staff, or funding.

While we welcome the establishment of this new agency, important questions remain, including whether the new agency will only be responsible for cross-border trafficking or whether its remit will include addressing traditional, caste-based slavery and other forms of forced labor taking place wholly within Niger. The question is made more urgent since, according to the State Department¹, the multi-stakeholder National Commission against Forced Labor and Discrimination has discontinued its work due to a lack of funding.

Regrettably, recent studies and reports have confirmed that forced labor and even caste-based slavery is alive and well in modern Niger. According to a 2011 survey produced by the National Statistics Institute and the International Labor Organization, more than 59,000 adults in Niger are victims of some kind of forced labor, roughly 1.1 percent of the total adult population.² In early 2012, Anti-Slavery International and Timidria released a report in which they interviewed 165 women who are former or current victims of the Wahaya practice and found that 83 percent were sold before they were 15 years old.³ The U.S. Department of State also took notice of the persistence of the Wahaya practice in its 2012 Trafficking in Persons Report:

“In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as “fifth wives” and subsequently subject them to forced labor and sexual servitude; their children are born into slave castes. Traditional chiefs play a primary role in this form of exploitation, either through enslaving children in their own families or arranging “marriages” for other powerful individuals.”⁴

¹ U.S. Department of State, Trafficking in Persons Report 2012, p. 268.

² See ILO CEACR Observation (2012) at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3078821

³ See “Wahaya: Domestic and Sexual Slavery in Niger”, Anti-Slavery International (2012), at:

http://www.antislavery.org/includes/documents/cm_docs/2012/w/wahaya_report_eng.pdf

⁴ U.S. Department of State, Trafficking in Persons Report 2012, p. 268.

As these data and observations indicate, while the Government of Niger has adopted some of the right laws and plans, the hard work of implementation still lies ahead. Only once the government can demonstrate that it is taking a systematic and coordinated approach to ending caste based slavery and forced labor should the GSP Committee consider ending this review.

III. Recommendations

The Ambassador's remarks referenced a number of enforcement, training, and awareness raising initiatives, but it was not clear if these were ad-hoc or part of a wider action plan. For the sake of greater understanding and clarity, the Government of Niger should provide the following information in an organized and accessible way:

- **Enforcement of existing laws:** Information on any legal action to stop caste-based slavery and other forms of forced labor, including number of arrests, number of people charged, the charges, the age of the victims, what law the action was taken under, and, if applicable, the sentences. Additionally, what services did the government or NGOs provide the victims?
- **Raising public awareness:** Information on any initiatives to promote public awareness that the caste-based slavery and forced labor are harmful and illegal.
- **Training initiatives:** Information on any initiatives to train police, court officials, local leaders, and religious authorities on how to identify and assist victims of forced labor.
- **Full funding for the new National Agency for the Fight against Trafficking in Persons:** ILRF is encouraged by the government's apparent commitment to this new agency. However, we note that some past government initiatives to combat forced labor were launched, but never properly funded.

IV. Conclusion

The ILRF is encouraged by the energy and apparent commitment shown by the current Government of Niger to fighting caste-based slavery and other forms of forced labor. We also appreciate the personal engagement of Ambassador Sidikou in these urgent matters. While it is too soon to end the current GSP review, we look forward to reviewing the government's efforts over the next year.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Judy Gearhart', written in a cursive style.

Judy Gearhart
Executive Director
International Labor Rights Forum (ILRF)