



RAPID ASSESSMENT OF THE SITUATIONS OF WOMEN MIGRATING FROM, INTO AND THROUGH NIGER



Rapid Assessment of the Situations of Women Migrating from, into and through Niger



UN WOMEN

Niamey, June 2021



ABBREVIATIONS AND ACRONYMS

ANLTP/TIM	Agence Nationale de Lutte contre la Traite des Personnes et le Trafic de Migrants (National Agency for the Fight against Trafficking in Persons and Smuggling of Migrants)
CSO	civil society organization
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EU	European Union
GBV	gender-based violence
GIZ	Deutsche Gesellschaft fuer Internationale Zusammenarbeit (German Agency for International Cooperation)
GRASPI	Groupe de Réflexion et d'Action pour la Solution au Phénomène de l'Immigration (Local CSO: Group on reflexion and action to solve immigration phenomenon)
ILO	International Labour Organization
IOM	International Organization for Migration
LGBTIQ+	lesbian, gay, bisexual, transgender, intersex, queer and other identities
NGO	non-governmental organization
SGBV	sexual and gender-based violence
TIP	trafficking in persons
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

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EXECUTIVE SUMMARY

This Rapid Assessment, the first of its kind in Niger, aims to highlight the challenges that women may face migrating from, into and through the country. It has been developed based on a desk review of existing literature as well as information received from questionnaires completed by relevant governmental and non-governmental organizations and interviews with UN agencies and other development partners. However, the availability of comprehensive sex-disaggregated data in Niger is limited. As part of this study, relevant policy and legal frameworks related to migration in the country were analysed from a gender perspective, and the extent to which migration issues are integrated into Nigerien frameworks related to gender issues was explored. The assessment presents the positive steps that have been taken and the challenges that remain in developing and implementing gender-responsive migration policies.

It was found that migrant women encounter significant and complex challenges that may act as barriers to safe and regular migration. They face high risks of rights violations including sexual and gender-based violence (SGBV) and human trafficking as well as a lack of decent work, social protection and public services such as health care, justice and education. Migrant women face multiple and intersecting forms of discrimination on the basis of interconnected characteristics such as gender, race, ethnicity, gender identity, sexual orientation and migration status. For example, sub-Saharan migrant women, including migrant women from Niger, are often victims of racism and xenophobia in North Africa. Owing to gender-discriminatory practices within communities, migrant women may face specific challenges on their return, struggling with ostracization, stigmatization and lack of access to services and employment. Furthermore, this assessment also found that migrants who are lesbian, gay, bisexual, transgender, intersex, queer and other gender identities (LGBTIQ+) often experience various forms of discrimination and face limited access to tailored services in Niger.

During their journey, migrant women are at high risk of exploitation and abuse, including trafficking in persons and smuggling. Violence against migrant women may be carried out by smugglers, traffickers, criminal gangs and fellow migrants. But as they often find themselves in an irregular situation due to lack of identity documents, migrant

women's fear of being arrested and deported may prevent them from reporting acts of violence and seeking services. In other instances, anecdotal evidence has highlighted examples of smugglers and law enforcement officials extorting money from migrant women.

Within the world of work, many migrant women work in the informal economy in Niger, particularly as domestic workers, without any labour protections, exposing them to various forms of labour and human rights violations. Access to services for migrant women remains limited for a variety of reasons, including lack of financial resources, trained professionals and infrastructure.

In terms of access to information about safe migration, awareness-raising campaigns do not seem to be gender-responsive and fail to address the specific needs of migrant women. On the contrary, prior to departure, migrant women largely rely on information from friends/family in countries of destination. This means that the information received may not be reflective of the risks of unsafe and irregular migration.

The Rapid Assessment concludes with a range of recommendations to address the specific needs, challenges and vulnerabilities of women migrating from, through and to Niger.

INTRODUCTION

Niger is a country of origin, transit and destination for migrants. Migrant women account for 53.5 per cent of the 348,056 international migrants in Niger,¹ who come mainly from other countries in West Africa and include women transiting through Niger en route to Europe via North Africa.

Women from Niger migrate for a variety of reasons, including escaping poverty, a lack of sustainable livelihood options and food insecurity stemming from environmental degradation and climate change, as well as deeply entrenched gender inequalities, including risks of sexual and gender-based violence (SGBV). They mostly migrate regionally within West Africa and to a lesser extent to North Africa and Europe.

With an increasing number of women migrating independently and/or with their children, gradual shifts in household dynamics are taking place. The model of male-headed households, with men as the main breadwinners, is being altered as more women send remittances from abroad to support their families. As such, women are beginning to have a greater role in household decision-making.²

FIGURE 1:
Administrative map of Niger



Source: United Nations. 2018. [Map No. 4234 Rev. 1](#). January.¹²

While migration can contribute to the social and economic empowerment of women, it can also increase their risk of experiencing severe human rights violations, including violence, trafficking, human rights abuses and exploitation. Migrant women may face a heightened risk of physical, sexual and psychological violence at all stages of migration, including while being trafficked. They also face multiple and intersecting forms of discrimination based on sex, gender, age, race, ethnicity, (dis)ability and migration status, among other characteristics. In countries of destination, many migrant women work in low-paid jobs, often in the informal economy, with little or no access to social protection and basic services and where labour rights violations can be widespread.

This UN Women Rapid Assessment aims to highlight the challenges that women may face migrating from, into and through Niger. It has been developed from a desk review of existing literature as well as information received from questionnaires completed by relevant governmental and non-governmental organizations and interviews conducted with UN agencies and other development partners.

The availability of sex-disaggregated data and gender statistics on international migration remains a challenge around the world. In Niger, these challenges are compounded by a lack of institutional mechanisms and technical capacity for collecting and analysing statistical data on migration. However, Niger is currently developing such data management systems, which will include sex-disaggregated data on emigration, immigration, transit and return. A centralized data collection and monitoring system focusing on trafficking and smuggling of migrants is also being developed by the National Agency for the Fight against Trafficking in Persons and Smuggling of Migrants (ANLTP/TIM)³, with the technical support of the United Nations Office on Drugs and Crime (UNODC). The centralized data collection and monitoring system aims to increase the accuracy of disaggregated data on victims of trafficking and migrants who have been smuggled from, into and through Niger.

A large, stylized number '1' is centered on the page. The top part of the '1' is a light blue horizontal bar that tapers to the right. The vertical stem of the '1' is a darker blue, extending from the top bar down to the bottom of the page. The bottom part of the '1' is a green horizontal bar that tapers to the left. The background is split horizontally: the top half is blue and the bottom half is green.

FACTS AND FIGURES ON MIGRATION

1. FACTS AND FIGURES ON MIGRATION

1.1 Women’s migration from Niger

In 2017, an estimated 363,000 people migrated from Niger to other Member States of the Economic Community of West African States (ECOWAS), North Africa and Europe using regular migration channels. The total number of migrants from Niger equates to 1.7 per cent of its population.⁴ Of these, 89 per cent migrated to other ECOWAS countries: Nigeria (32 per cent), Benin (22 per cent), Togo (18 per cent), Côte-d’Ivoire (14 per cent) and Burkina Faso (3 per cent).⁵

Many of the women migrating from Niger to other ECOWAS Member States end up mainly in low-paid work in domestic service, the agricultural sector and the retail trade.⁶

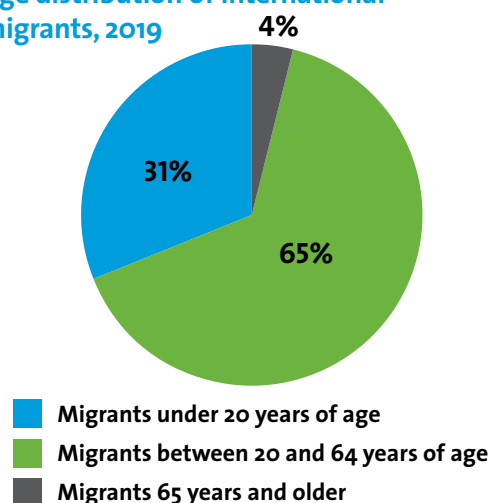
In recent years, the number of women migrating from the Zinder and Maradi regions of Niger to Algeria seems to have risen because of a lack of employment opportunities in their communities of origin and cultural factors such as the search for social recognition. The majority of women in the Zinder region depend mainly on agriculture, cattle breeding and trade, but these activities are often not enough to sustain their livelihoods. Many migrant women come from the department of Kantché in the Zinder region, which is described as having a challenging socio-economic context.⁷ In fact, apart from rain-fed agriculture, employment opportunities are very limited and out-dated farming techniques contribute to very low cropland yields. Moreover, migration has become a way to achieve upward social mobility as anecdotal evidence shows that migrant women who return from Algeria gain respect from their families and communities.⁸ Migrant women from Niger in Algeria are often undocumented and depend on begging as a source of income, owing to a lack of formal employment opportunities.⁹ Despite poor living conditions, however, Nigerien migrant women continue to send significant remittances from Algeria to Niger. The children that accompany their mothers to Algeria are often involved in begging too.¹⁰

A small proportion of Nigeriens—3 per cent—also migrate to Europe.¹¹ In 2019, Nigerien women accounted for 28 per cent and men for 72 per cent of migrants from Niger in Europe.¹² Many migrant women from Niger are skilled workers and professionals in Organisation for Economic Co-operation and Development (OECD) countries. Tertiary-educated women represented almost 38 per cent of migrant women in these countries.¹³

1.2 Women’s migration into Niger

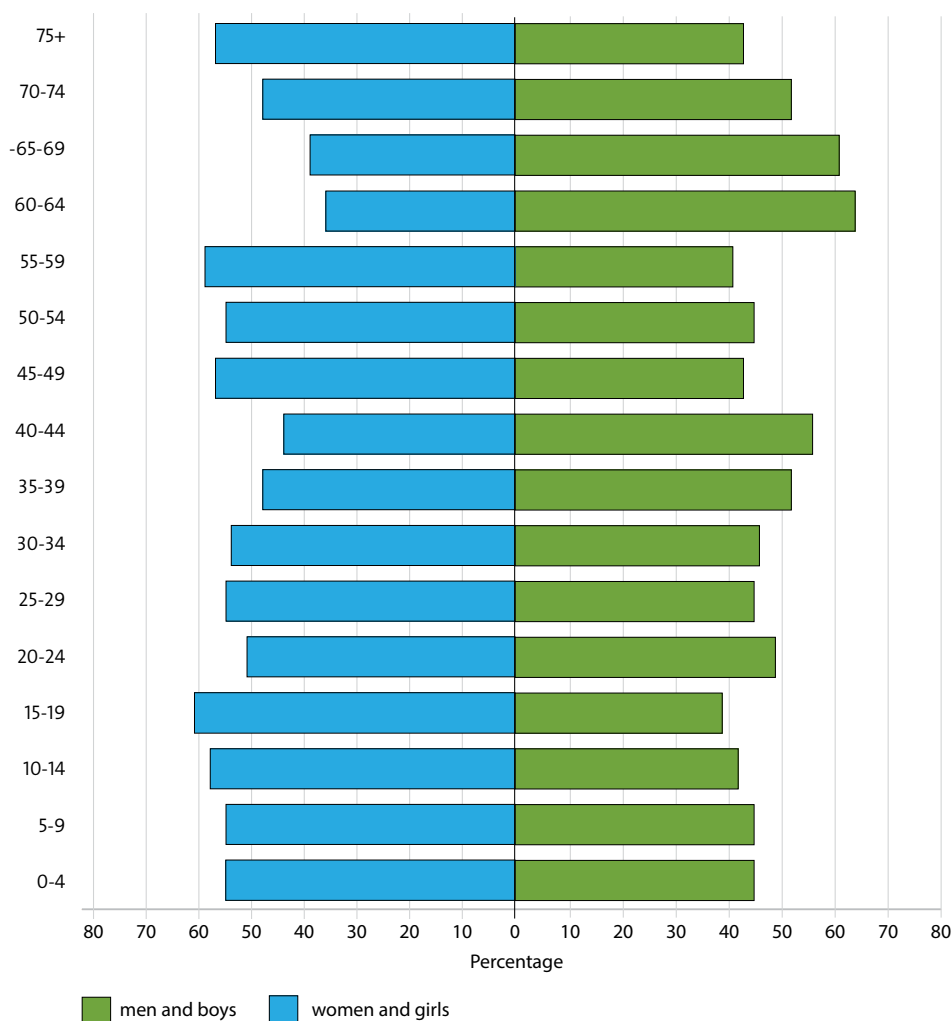
Although existing data are scarce, the overall rate of immigration into Niger appears to be limited both in terms of migration stock and flows. In terms of migration stock, in mid 2020, the number of international migrants with regular migration status in the country was estimated to be 348,056, and the stock of migrants in the country accounted for 1.3 per cent of the total population.¹⁴ Women and girls accounted for 53.5 per cent of all migrants.

FIGURE 2:
Age distribution of international migrants, 2019



Sources: United Nations Department of Economic and Social Affairs (UN DESA). 2019. “International Migrant Stock 2019: Country Profile – Niger.” United Nations, New York; UN DESA, Population Division. 2020. *International Migration 2020 Highlights*. ST/ESA/SER.A/452.

FIGURE 3
Age distribution of international migrants, 2019



Sources: United Nations Department of Economic and Social Affairs (UN DESA). 2019. “International Migrant Stock 2019: Country Profile – Niger.” United Nations, New York; UN DESA, Population Division. 2020. *International Migration 2020 Highlights*. ST/ESA/SER.A/452.

Around 65 per cent of migrants were of working age (20 to 64 years of age), with an equal share between women and men (as shown in Figures 2 and 3).¹⁵ Migrant women arriving in Niger come mainly from Nigeria, Mali and, to a lesser extent, Benin, Burkina Faso and Togo.¹⁶

In terms of migration flows, the National Employment Agency issued 21 work authorisations to women migrant workers in 2020, with the majority coming from Turkey and France (respectively 33 per cent and 26 per cent of the total) to work mainly for civil society organisations (CSOs) or in the educational sector.¹⁷ This low number suggests that the

vast majority of foreign migrant women work without legal documentation in Niger exposing them to a high risk of labour rights violations.

The number of migrant women in an irregular situation in Niger is considered to be significant, although the exact scale of this phenomenon is not known. These irregular movements largely go unrecorded because of their clandestine nature and the lack of reliable migration data more generally.

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not known. These irregular movements largely go unrecorded because of their clandestine nature and the lack of reliable migration data more generally.¹³ Women’s migration through Niger

1.3 Women’s migration through Niger

At the crossroads of ECOWAS and North Africa, Niger has increasingly become a transit country for West African migrant women heading to North Africa and Europe. As shown in Figure 4, migration from West Africa to North Africa has been identified mainly along the following official routes:

- From Niger (Niamey, Agadez, Séguédine, Madama) towards Libya (Gatrone, Sebha, Ghat)
- From Niger (Niamey or Zinder, Agadez, Arlit, Assamaka) towards Algeria (Inguezzam, Tamanrasset, Janet).

Available data indicate that a larger number of women than men transit through Niger. According to the National Statistics Institute of Niger, out of the 123,886 migrants who transited through the country in 2012, 63,264 were women and 60,622 were men. Following the enforcement of the national Law No. 2015-36 (26 May 2015) on illicit smuggling of migrants, however, a significant drop in migration through Niger was recorded.¹⁸

FIGURE 4:
Main migration routes



Source: International Crisis Group. 2020. “Managing Trafficking in Northern Niger.” Africa Report No. 285. 6 January.

Migrants transiting through the country represented less than 40,000 in 2017.¹⁹ Yet, this seeming decrease might not necessarily reflect reality as many migrants bypass the official border crossing points to avoid detection and travel via other routes instead.²⁰

These migrant women originate mainly from Ghana, Nigeria and, to a lesser extent, Cameroon, Liberia and Sierra Leone.²¹ According to a study conducted by ANLTP/TIM in 2018, the profile of migrant women from Nigeria transiting through Niger en route to Algeria and Libya was young (18-30 years old) and educated (at the level of secondary or university education). Escaping poverty and a lack of sustainable livelihood options in their country of origin were the main reasons for their migration. From the data, 63 per cent of women indicated that they paid for their travel by themselves, compared to 82 per cent of men.²²

1.4 Return and re-integration of migrant women

1.4.1 Return from Algeria, Libya and Europe to Niger

Following an informal agreement between Algeria and Niger in 2014 on the forced return of Nigerien migrants, 35,598 migrants were returned from 2014 to 2018. Of these, 76 per cent were women, mostly from the Zinder region. The women returnees were predominately young, heads of households or married and had not migrated with their partners or spouses.²³

In addition, since 2017 Algeria has also returned ECOWAS migrants to Niger, one third of whom were women. These returns, which amount to collective expulsions, violate international law. Between September 2017 and July 2018, at least 6,441 West African migrants, mainly from Guinea and Mali, were returned from Algeria to Niger.²⁴

ECOWAS migrants returned from Algeria are usually dropped off at the so-called 'point zero', a location 15 km from the border with Niger. Here they face a high risk of human rights violations (such as SGBV, human trafficking and kidnapping) committed by traffickers, other migrants and local terrorist groups.²⁵ They are then forced to walk through the desert for approximately 25 km to Assamaka.²⁶

Those who get lost can quickly die from dehydration because of high temperatures and a lack of water. Comprehensive and sex-disaggregated data on migrants' deaths in the desert are difficult to obtain because carrying out data collection and research is virtually impossible in the area.

A high number of migrants have also been returned from Libya to Niger, particularly after the armed conflict in the former country in 2011. Neither sex-disaggregated data nor specific information on the experiences of migrant women returnees are available. Migrants returned by the Libyan authorities are usually returned to major cities in Niger; however, there are also cases of migrants dropped at the border without any further assistance.

Finally, according to Eurostat, European Union (EU) Member States issued in total 320 return decisions for migrants from Niger in irregular situation in 2019, compared to 315 in 2018.²⁷ Out of the 320, 7 per cent of returnees were women.²⁸

1.4.2 Re-integration

Returning migrant women may bring back not only money but also new skills and knowledge that can influence behavioural and norm changes at household, community and national levels. However, migrant women may face social and/or economic challenges upon return and so decide to re-migrate. It is thus critical to promote and facilitate gender-responsive reintegration policies and programmes.²⁹

The National Migration Policy of Niger, validated in September 2020, includes measures aimed at supporting the socio-economic re-integration of migrants, including actions on women's empowerment such as the provision of financial and capacity-building support for setting up their own businesses.

Previously, Niger lacked a policy on return and re-integration, resulting in the absence of government measures to provide assistance to migrant women returnees to support re-integration. To fill the gap in government-run re-integration services, international organizations and civil society organizations (CSOs) have been providing assistance to migrants through re-integration programmes.

The International Organization for Migration (IOM), for example, operates search and rescue programmes in the Agadez region where migrant women and girls are often abandoned by smugglers. It offers re-integration support to migrant women and men of various nationalities, including Nigeriens, stranded in Northern Niger who wish to return to their countries or regions of origin. Since 2017, 6,847 migrants received re-integration support from the IOM—however, sex-disaggregated data are not available.³⁰ In 2019, the United Nations Children’s Fund (UNICEF), together with the Regional Directorate of Child Protection in Agadez and Zinder, provided family tracing and reunification services to 377 unaccompanied Nigerien children returning from Algeria.³¹ The number of girls who received support was not available.

CSOs play a crucial role in supporting the re-integration of migrant women. Various such organizations in Europe provide information to migrant women and men on re-integration opportunities. For instance, the Italian Council for Refugees together with other non-governmental organizations (NGOs) has developed and widely shared a factsheet on a re-integration programme in three languages (Italian, French and English), explaining what the programme offers and who can benefit from it.³²

Re-integration from Europe is offered on an individual basis by assessing the migrant’s personal situation and identifying the most appropriate re-integration opportunities. Re-integration services include social re-integration, employment and vocational training and support for starting a business. While no specific reference is made to gender equality, re-integration services are tailored to the needs of beneficiaries. For instance, between 2015 and 2018, six migrant women from Niger (alone, accompanied with children and/or with spouse and children) who did not have a residence permit were reintegrated from Belgium to Niger via the Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil). The reintegration included providing them with tailored opportunities to set up their own business and covering their medical costs.

1.5 Trafficking in persons and smuggling of migrants

1.5.1 Trafficking in persons³³

As per the 2020 Trafficking in Persons report from the U.S. Department of State, Niger is a country of origin, transit and destination for women, men and children subjected to trafficking. The report ranked Niger on Tier 2.³⁴ Women and girls from Niger have reportedly been trafficked to Nigeria, North Africa, the Middle East and/or Europe for the purpose of sexual exploitation and forced labour. In 2019, the Nigerien authorities identified 53 victims—whose sex, age and nationality were not available—compared to more than 70 victims (primarily women and girls from Benin and Nigeria) in 2018.³⁵

In January 2020, as part of an International Criminal Police Organization (INTERPOL)-supported operation targeting organized crime in West Africa, the National Police of Niger rescued 232 victims of trafficking,³⁶ including Ghanaian women, in Niamey. As the investigation was ongoing at the time of drafting this assessment, no more information could be collected and sex-disaggregated data were unavailable.

According to a report by the Ministry of Justice, 60 victims of trafficking were detected in 2018 in Niger. Women and girls represented the majority of these victims (72 per cent / 43 victims) and most came from Niger and Nigeria.³⁷ Of these women and girls, 33 per cent were exploited for the purpose of sexual exploitation and, to a lesser extent, for begging (12 per cent) and servitude (3 per cent). Just over two thirds (67 per cent) received assistance, mainly legal assistance and support for reunification with their family. With regards to traffickers, 73 per cent of those brought to justice in 2018 were men, with most originating from Niger and Nigeria.³⁸

Between January 2017 and December 2020, the IOM assisted 333 victims of trafficking (225 women and girls and 108 men and boys) in Niger, most of them from Nigeria (61 per cent), Niger (6 per cent) and other sub-Saharan African countries (33 per cent). Of the women and girls, 31 per cent were between 20 and 24 years old and 15 per cent between 15 and 19 years old, and they were mainly trafficked for the

purpose of sexual and labour exploitation.³⁹ The numbers of women and girls who were the victims of each type of exploitation were not available.

1.5.2 Smuggling of migrant women

Currently, data are too incomplete to paint an accurate picture of smuggling of migrant women.⁴⁰ Still, available evidence shows that migrants, including women, who have been smuggled are vulnerable to life-threatening risks. For instance, in October 2013, a group of rescuers found the bodies of 92 migrants (33 women, 7 men and 52 children) abandoned by smugglers near the Algerian border.⁴¹ In June 2016, a similar incident occurred when 34 migrants—including nine women, five men and 20 children—perished in the Ténéré desert.⁴²

Since the entry into force of Law No. 2015-36 of 26 May 2015 on illicit smuggling of migrants, the Government of Niger has increased its efforts to combat smuggling, including through a partnership with the European Union.⁴³ From June 2016 to September 2017, 10,574 people were turned back; 2,373 people were arrested and deported because of their irregular migration status; 2,208 migrants were referred to the IOM in the framework of its voluntary return programme; 59 smugglers were convicted in Agadez; and 109 vehicles belonging to smugglers were seized by the law enforcement agencies.⁴⁴

According to a report by the Ministry of Justice, 66 victims of migrant smuggling heading to Algeria and Libya were detected in Niger in 2018. Almost one third of the victims were women and girls, and they came from Cameroon, Niger and Nigeria. The migrants who were smuggled were all referred to the Nigerien defence and security forces, but no information was provided on whether they received any type of assistance.⁴⁵

Women rely on smugglers to migrate to North Africa and Europe for numerous reasons, including a lack of information on safe and regular migration and the risks posed by irregular migration as well as a lack of necessary documentation. Smugglers are organized in networks along the migration routes, particularly in areas difficult to cross without their ‘support’.⁴⁶

1.6 Remittances

Most of the remittances sent to Niger (82.7 per cent) are sent by Nigeriens living in other African countries.⁴⁷ The use of informal channels appears to be most common. However, formal channels are more common within the CFA franc zone.⁴⁸ It is estimated that remittances constitute between 25 to 50 per cent of household income in Niger and that they are mainly used for sustaining livelihoods.⁴⁹ In 2020, it was estimated that they accounted for 2.4 per cent of gross domestic product (GDP).⁵⁰ Remittances from the Nigerien diaspora (women and men) increased by 139 per cent from USD 134 million in 2010 to USD 320 million in 2019. The remittances sent abroad by migrants living in Niger amounted to approximately USD 184 million in 2018. The fact that they are lower than remittances inflows is linked to the low migrant populations in the country.⁵¹

While limited evidence exists on the number of migrant women remittance senders from Niger and the amounts they send, research elsewhere has shown that migrant women are often more likely to remit larger proportions of their earnings and at more frequent intervals than men owing to their stronger links to family members and self-insurance motives.⁵²

The image features a solid blue upper half and a solid green lower half. Overlapping the boundary between the two colors are two large, semi-transparent, overlapping semi-circles. The top semi-circle is light blue and the bottom one is light green. The text 'CHALLENGES FOR MIGRANT WOMEN' is centered in the blue area, with each line underlined.

CHALLENGES FOR MIGRANT WOMEN

2. CHALLENGES FOR MIGRANT WOMEN

2.1 Multiple and intersecting forms of discrimination

Migrant women in Niger face multiple and intersecting forms of discrimination not only as women and as migrants but also on the basis of numerous interconnected characteristics, including age, income, race, ethnicity, nationality, religion, marital and family status, sexual orientation, gender identity, disability, health status, legal status, HIV status, pregnancy, place of residence and economic and social situation.

While the Nigerien Constitution guarantees equal rights for everyone regardless of their sex or social, racial, ethnic or religious origin, multiple forms of discrimination towards migrant women persist, especially in the private sphere where habits and customs continue to play an important role. For instance, at family level, anecdotal evidence revealed that migrant women and girls may be subject to traditional slavery practices such as the *wahaya*. The *wahaya* consists of the purchase of girls, especially from disadvantaged families, as unofficial brides and ‘fifth wives’ of aristocratic and wealthy men. *Wahaya* girls do not benefit from any legal rights or protection and are treated as domestic and sexual slaves.⁵³ This practice constitutes a serious form of abuse and discrimination and was made illegal by a ruling of the Nigerien High Court in 2019. While trying to escape forced marriages, *wahaya* girls are disproportionately vulnerable to various forms of violence and human rights abuses, such as trafficking for the purpose of sexual exploitation.⁵⁴ However, information and data on migrant women and girls taken as *wahayas* are not available.

Migrant women may also be discriminated against because of their economic situation. For example, returnee migrant women who could not accumulate savings abroad are often stigmatized and shunned by their communities of origin. Due to not having saved additional financial resources for their family, they are considered a burden for

the community. Moreover, they are often accused of participating in activities that are considered taboo, such as working in the sex industry, and as a result are rejected by their community.⁵⁵

Migrant women may also suffer discrimination based on pregnancy. Returned migrant women who become pregnant during their migration journey as a result of rape are discriminated against and stigmatized by their family and communities of origin. In fact, pregnancy outside of marriage is not accepted from a moral point of view in Niger. Thus, children born out of wedlock suffer from stigmatization and social prejudice, especially in school settings.⁵⁶

At the community level, LGBTIQ+ migrants are often discriminated against in Niger because of their sexual orientation and/or gender identity. While data on the situation of LGBTIQ+ migrants in the country remain scarce, intolerance towards LGBTIQ+ people seems widespread. LGBTIQ+ people usually do not report discrimination to the police in Niger owing to fear of stigma and the absence of protection against discrimination based on sexual orientation or gender identity.⁵⁷ As revealed by a survey conducted by Afrobarometer, only 5 per cent of respondents declared they would “strongly like” or “somewhat like” living next to LGBTIQ+ people. This suggests that intolerance towards people based on their sexual orientation and gender identity remains widespread in Niger and it is likely that LGBTIQ+ migrants are particularly affected, given their often precarious situations. While homosexuality is not explicitly illegal in Niger, laws against public indecency may serve a similar purpose.

Migrant women also experience intersecting forms of discrimination in the labour market in Niger, with the majority of them working in the informal economy, mainly as domestic workers without any labour protections. Women migrant domestic workers, particularly those who are undocumented,

are subject to excessive working hours imposed by employers, who take advantage of their irregular situation.⁵⁸ Moreover, traditional gender norms and stereotypes about women's roles in the home are also used by employers as a justification for long working hours.⁵⁹ Women migrant domestic workers are also affected by SGBV in their workplace. They are at a high risk of verbal, mental, physical and sexual abuse by employers and can also be victims of labour exploitation.⁶⁰ Niger has not ratified international labour conventions such as the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and ILO Violence and Harassment Convention, 2019 (No. 190).

Sub-Saharan migrant women, including migrant women from Niger, are often victims of racism in North Africa.⁶¹ Portrayed in derogatory ways, they are negatively described as bringing diseases to the country and are victims of xenophobic campaigns, such as the “No to African people in Algeria” hashtag.⁶² Racism against sub-Saharan migrants is rampant in Libya and to a lesser degree in Algeria,⁶³ and treatment of black Africans is often demeaning and violent.⁶⁴

2.2 Exploitation and abuse during migration

During their journey, migrant women and girls, particularly those with irregular migration status, are at high risk of SGBV, being sold into labour or forced into survival sex to gain passage, shelter, sustenance or money for their journeys, or being subject to bribery.⁶⁵ They are often forced into prostitution in brothels in Agadez, in Northern Niger, to get the money they need to continue their journey.⁶⁶ In fact, the city of Agadez is a smuggling hub in the Sahara Desert and its economy has become almost exclusively reliant on smuggling proceeds.⁶⁷

Violence and abuse against migrant women and girls are carried out not only by smugglers, traffickers, criminal gangs and fellow migrants but also by law enforcement officials. It has been documented that between 8 and 14 per cent of incidents of sexual assault reported by migrant women are perpetuated by immigration officials and security forces because migrant women are unable to pay bribes at checkpoints in Niger.⁶⁸ In other instances, anecdotal evidence shows that sometimes law

enforcement officials extort money from migrant women at the country's checkpoints. The amount of money requested differs depending on whether the migrant is from ECOWAS or not, with bribes ranging between USD 2 and 20.⁶⁹ These attitudes reinforce the lack of confidence that migrant women have in institutions.

Similarly, migrant women returning from Algeria to Niger are often subjected to violence and ill-treatment.⁷⁰ According to an IOM survey administered to migrants returning from North Africa to Niger and who benefitted from the IOM's assisted voluntary return and reintegration programme, almost 40 per cent of the women respondents had experienced violence and abuse during their migration, including SGBV. However, given the sensitivity of the subject, sexual violence against migrant women is underreported.⁷¹ The Special Rapporteur on the human rights of migrants highlighted that during deportation, migrant women and men are subject to unannounced visits by the police at their workplace or residences to arrest them and return them to Niger without allowing them to bring their personal belongings and savings.⁷²

In Libya, migrant women in an irregular situation from Niger and other sub-Saharan countries are often arrested and arbitrarily held in immigration detention. Libyan law criminalizes irregular entry into, stay in or exit from the country with a penalty of imprisonment pending deportation, without any consideration of individual circumstances or protection needs.⁷³ Migrant women in Libyan official and unofficial detention centres are at high risk of experiencing SGBV both by other detainees, forced to so by male guards, and male guards themselves in a context of impunity. SGBV is used not only for extortion but also for humiliation purpose and often involves cruel acts.⁷⁴ The absence of female guards in the centres constitutes another concern for migrant women detainees, while also being a violation of international norms for the treatment of prisoners.⁷⁵ Finally, gender-responsive facilities are not available in detention centres in Libya. In fact, Libyan detention centres provide limited or no access to health care, leave migrant women detainees without feminine hygiene products, have inadequate bathrooms and do not hold female and male detainees separately.⁷⁶

2.3 Trafficking in persons

Migrant women are at high risk of trafficking in Niger. According to a study by the Ministry of Planning and the Ministry of Justice of Niger, there are various factors that may increase their risk of falling victim to trafficking, including poverty and poor living conditions, lack of formal qualifications, armed conflicts, limited access to basic services, SGBV and traditional practices such as slavery and servitude.⁷⁷

Traffickers usually approach women and girls in different ways to those used for men and boys. Women and girls who are victims of trafficking are often lured by an acquaintance into embarking on migration based on false promises of work opportunities. Men and boys, on the other hand, are often beguiled by their smugglers during the migration journey and sold into slavery.⁷⁸

Niger opened its first reception centre for victims of trafficking in the region of Zinder in 2019, with the technical support of the IOM and funds from the US Department of State, to provide them with protection services, including medical and psychosocial support tailored to their specific needs.⁷⁹ The Ordinance No. 2010-86 of 16 December 2010 to Combat Trafficking in Persons and the 1st National Action Plan to Combat Trafficking in Persons (2015-2018) are the main frameworks to combat trafficking in Niger. Both documents refer to migrants in general but lack specific references to migrant women. Niger validated its National Referral Mechanism on trafficking in persons in June 2020.⁸⁰ This document identifies roles for governmental authorities, civil society organizations (CSOs) and international organizations, mentions the rights of victims of trafficking and explains the various steps for referral, including return and reintegration. Given its recent adoption, it is too early to assess the effectiveness of this new document. Finally, Niger has still not fully established a compensation fund for victims of trafficking,⁸¹ which makes their rehabilitation difficult.

2.4 Access to decent work and social protection

Labour force participation of women and men in Niger is unequal, reflecting deeply rooted gender inequalities in the labour market. In fact, it is approximately 67.3 per cent for women compared

to 90.5 per cent for men.⁸² The country also has high unemployment and underemployment rates⁸³ for women, at 28 per cent and 38 per cent respectively.⁸⁴ Income inequalities are also high. Women earn on average 50 per cent of what men earn.⁸⁵ This is despite the fact that the Labour Code prohibits gender-based discrimination in employment and mandates equal remuneration for work of equal value for women and men. However, very few women benefit from this legislation as they mainly work in the informal sector.⁸⁶ In addition, young girls, often married off before they turn 18 years old, tend to drop out of school at a younger age and have limited access to paid employment. In addition, the majority of unpaid care and domestic work is performed by women and girls, which limits their ability to work or start their own business. Moreover, women's domestic work is neither recognized as work nor remunerated. Socio-cultural traditional practices also limit their access to, management of and control over factors of production, including land and credit, contributing to unequal access to economic opportunities.⁸⁷ Although the Rural Code grants equal right of access to land, women's access in practice continues to be limited because land tenure is mainly dealt with by customary law, which does not allow women to own land.⁸⁸ This is one of the reasons why only 30.7 per cent of those work in the agricultural sector are women, compared to 69.3 per cent who are men.⁸⁹

While access to decent work is limited to Nigerien women, it is even further limited to migrant women, particularly those with irregular migration status. The majority of migrant women perform low-skilled work in the informal economy. West African migrant women mainly work in three areas in Niger: (i) as workers in small shops or restaurants owned by their fellow women nationals; (ii) as sex workers in urban areas; and (iii) as short-term domestic workers.⁹⁰ Women domestic workers with irregular migration status are at high risk of labour and human rights violations. For instance, many of them live in the Nigerien employer's home 'free-of-charge'. However, in exchange, they are expected to work long hours and are not entitled to rest or to receive annual leave.⁹¹ They can also face physical, social and cultural isolation and restricted communication with their families imposed by the employer.

Migrant women are insufficiently protected, especially as sanctions against employers who exploit migrant women are not sufficiently applied. This makes them more vulnerable to abuse, such as illegal retention of wages, which is used as a means of coercion to impose work on them against their will.⁹² Hence, since they cannot defend their rights, they are vulnerable to forced labour, particularly within domestic work.⁹³

Migrant women in Niger often lack access to social protection in general because social security schemes remain limited. Access is dependent on migration status with only migrant women in regular situations being eligible. Through its National Policy on Social Protection, the country aims at contributing to reducing socio-economic vulnerabilities. Despite the Policy not making references to migrant women, one of its priority actions on social security is extending coverage to particular groups of workers such as those working in the informal economy.⁹⁴

A number of initiatives have been taken by Niger to manage international labour migration, including by signing bilateral labour agreements. For instance, Niger signed a bilateral labour agreement with Saudi Arabia in 2015. During the period 2015 to 2017, 1,098 Nigerien workers were employed in Saudi Arabia with 733 Nigerien migrant women working as domestic workers and 365 Nigerien migrant men as drivers.⁹⁵ Six Nigerien private recruitment agencies were associated with the initiative by, among others, offering pre-departure training courses to migrant women and men on language and culture issues. In Saudi Arabia, however, in case of human rights violations, the Nigerien embassy lacked labour attachés who could ensure the protection of the rights of migrant workers.

2.5 Access to services

2.5.1 Health care

Health care, particularly sexual and reproductive health services, is limited and difficult to access for migrant women and girls in Niger, as it is for most women in the country. The Ministry of Health's 2016 statistical directory highlights various weaknesses in the implementation of the National Health Policy, such as limited health coverage, low birth rates

assisted by qualified personnel, insufficient basic emergency obstetrical neo-natal care services and the prevalence of widespread acute malnutrition.⁹⁶

The main barriers that migrant women face while accessing health-care services are language barriers, cultural issues and limited funds. Migrant women in an irregular situation are unlikely to seek medical support due to fear of being arrested and deported.

Safe and legal abortion services are criminalized by the Nigerien Criminal Code and are therefore not available even in the case of rape. Thus, this restriction compels migrant women and adolescent girls who become pregnant as a result of sexual violence to resort to illegal abortions, which put their health and lives at risk and expose them to criminal penalties.⁹⁷

International organizations are trying to provide better access to basic services for both migrant women and the communities in which they live. For example, 21 health facilities targeting migrant women and local communities have been constructed in the Agadez, Tahoua and Zinder regions with the support of the German development agency (GIZ).⁹⁸ Some international NGOs provide medical assistance to women, men and children deported from Algeria or Libya to Niger. Médecins Sans Frontières (MSF), for example, provides maternal health care to migrant women.⁹⁹ In the Diffa region, where health coverage is very low and the number of refugees from Nigeria and returnees from Niger relatively high, mobile clinics have been set up with funding from international partners such as UNICEF.¹⁰⁰ Migrants can access medical and psychological services provided by the Red Cross, but information on the specific type of support provided is not available.¹⁰¹

2.5.2 Essential services for survivors of sexual and gender-based violence (SGBV)

Overall, essential services for survivors of SGBV—including health, policing, justice and social services—are limited in Niger due to lack of financial resources, human resources and infrastructure.¹⁰² Information on essential services for migrant women survivors of SGBV remains scarce. Niger has five centres across the country for

survivors of SGBV, accessible to migrant women in both regular and irregular situations. Local NGOs also provide SGBV essential services. For instance, *SOS Femme et Enfant Victimes de Violence Familiale* provides support to trafficked women victims of SGBV, such as safe accommodation, psycho-social counselling, economic reintegration and rights advocacy.¹⁰³ The National Strategy on Prevention and Response to Gender-Based Violence (GBV) was developed in 2017 to eliminate GBV in Niger, but it makes no references to migrant women.

However, in many cases, migrant women and girls who have been exploited are afraid of seeking support from the authorities. This is due to limited knowledge of their rights, lack of evidence, fear of detention and/or deportation, lack of trust in the authorities, perceived stigmatization and their dependency on the perpetrators, among other reasons.¹⁰⁴

2.5.3 Social services for migrant children

According to UNICEF, the child protection system in Niger lacks coordinated and quality services: Weak coordination mechanisms between the social welfare and justice sectors undermine the ability of service providers to effectively prevent and respond to cases of violence, exploitation and abuse against children.¹⁰⁵ For migrant children, there are insufficient cross-border mechanisms to protect them from risks such as trafficking, violence, abuse, exploitation and detention.¹⁰⁶

Due to the extremely low government funding (0.16 per cent of the approved budget in 2016), Niger relies on the support of international organizations and donors to provide support to migrant children. For instance, the IOM built and equipped the Centre for the Prevention, Promotion and Protection of Children (set up with Swiss funds) in the region of Zinder.¹⁰⁷ Moreover, the IOM provides support to Nigerien and non-Nigerien migrant children deported from North Africa to Niger through its Assisted Voluntary Return programmes. Between January 2017 and December 2019, out of the 1,032 unaccompanied migrant children assisted by the IOM in its transit centres, 6 per cent were girls, mainly between 15 and 17 years old.¹⁰⁸ At the IOM's transit centre for women in Niamey, unaccompanied migrant girls could access psychological support tailored to their specific needs and receive non-food item kits, including feminine hygiene products.

UNICEF provides various protection services for migrant children, such as family tracing and reunification for unaccompanied Nigerien migrant children deported from Algeria, temporary care to unaccompanied migrant children and psychological support for migrant children in transit.¹⁰⁹

2.5.4 Education for migrant children

More children than ever before are enrolled in schools in Niger. In 2019, 13 per cent of children attended pre-primary school, 64 per cent attended primary education, 29 per cent attended lower secondary school and 10 per cent attended upper secondary school.¹¹⁰ However, despite the Government's efforts in ensuring access to education without discrimination and in promoting girls' education, opportunities to access education for migrant girls in the country remain limited.

Access to education for migrant girls (and boys) depends on the migration status of their parents. Children of migrant workers are entitled to education in Niger (as per Act No. 98-12 of 1 June 1998 on the education system), but information on specific measures for guaranteeing access to education for migrant children whose parents are in an irregular situation is lacking.¹¹¹ The education system continues to be unequal and gender-biased. For example, at the level of technical and vocational education and training, girls are often trained in 'home economics', thus perpetuating gender stereotypes through the education system.¹¹²

Other factors can explain the limited enjoyment of the right to education for migrant children. Niger is a poor country, and families often consider schooling unnecessary for girls as they are often married before 18 years old. In rural areas, girls whose parents are temporary migrants or cross-border migrants—such as Nigerien migrant girls who accompany their mothers to Algeria—are disproportionately affected because moving with their parents means they cannot attend school on a regular basis.

2.5.5 Justice and policing services

Niger lacks mechanisms for ensuring effective legal assistance. For instance, the National Legal and Judicial Assistance Agency in charge of providing free legal assistance to those who do not have the means has limited financial and human

resources.¹¹³ Moreover, monitoring mechanisms to assess respect for human rights are not always available. For instance, the National Human Rights Commission has insufficient means to conduct human rights monitoring activities.¹¹⁴

In addition, migrant women face additional challenges such as the absence of information on procedures and responsibilities related to the identification of vulnerable migrants, ineffective investigations of cases of violence against migrants and the lack of measures to ensure safe and appropriate reception conditions for migrants in an irregular situation.¹¹⁵

Low numbers of complaints are filed by migrant women against the perpetrators of exploitation and abuse. Forensic medical evidence is of crucial importance in the investigation of SGBV offences as the outcome of a prosecution is likely to depend on it.¹¹⁶ However, in Niger, migrant women and girls who are survivors of SGBV have to cover their own medical expenses, which for many of them is not affordable, and thus they do not file complaints and perpetrators remain unpunished. Similarly, victims of forced labour and caste-based servitude can file civil and criminal complaints simultaneously; however, there were no reports they did so in 2019.¹¹⁷ Moreover, government officials are often complicit in trafficking-related activities but are rarely prosecuted. The Government did not report any such cases in the last three years, and official complicity in trafficking crimes remains a concern.¹¹⁸

Migrant women who wish to complain about their human rights' violations tend to seek support from local NGOs. For instance, the NGO GRASPI (*Groupe de Réflexion et d'Action pour la Solution au Phénomène de l'Immigration*) provides legal assistance to migrant women in accessing justice.

2.6 Access to information about regular and safe migration

Migrants in Niger largely rely on information from their personal networks. According to a survey carried out in West Africa, including Niger, by the Mixed Migration Centre in 2019, friends/family in countries of destination was the main source of information for migrant women prior

to departure.¹¹⁹ This means that the information is primarily sought from the family sphere and trusted relations and may not be reflective of the risks of unsafe and irregular migration.

Yet, there are local awareness-raising campaigns on regular and safe migration and information on rights and the possibilities of redress. Moreover, in 2013, the Ministry for Foreign Affairs, Cooperation, African Integration and Expatriate Affairs established within its premises in Niamey a reception and orientation office dedicated to returning diaspora willing to contribute to national economic development. This office is in charge of providing information to returning Nigeriens on the business and employment environment in the country, as well as administrative assistance for starting up a business.

In 2019, IOM Niger employed nine female community mobilizers (MobComs) from diverse backgrounds and nationalities to conduct sensitization sessions on alternatives to irregular migration.¹²⁰ Since 2016, GIZ has been organizing awareness-raising campaigns on migration-related topics attended by over 70,000 people (host communities and migrants) in the Agadez, Tahoua and Zinder regions.¹²¹ The local NGO GRASPI developed a brochure in 2018 on legal migration to be distributed to potential migrant women and men, and the NGO AIC (*Aide à l'Information Communautaire*) organized an information campaign in 2018 targeting migrant women and men on alternatives for legal migration.¹²² However, support from these various organizations does not seem to be gender-responsive and address the specific needs of women and girls.

2.7 Identity documents

In Niger, the law mandates women's equal rights to an identity card and passport.¹²³ However, many Nigerien women lack identity cards or passports for migration purpose. This situation is often linked to the fact that they do not hold a birth certificate, which is needed for acquiring an identity document.¹²⁴ Hence, they cannot legally migrate either in the ECOWAS area, where national identity card and international vaccination card are needed, or to other countries where a passport and/or visa is required.

Citizens of ECOWAS countries usually enter Niger legally as the majority of them have the required documentation to circulate within the ECOWAS area. However, for stays beyond 90 days, they are required to obtain a residence permit. Not all of them do so. Due to their often low levels of education and/or lack of knowledge of the law, many migrant women do not take the necessary administrative steps to ask for a residence permit.¹²⁵ ECOWAS migrant women returned from North Africa transiting in Niger without documents often claim to have lost them or to have been subjected to wrongful confiscation of documents by the police.¹²⁶

The lack of identify documents negatively affects migrant women. They find themselves in an irregular situation, can be arrested at the borders and are not allowed to work legally in their countries of destination. Hence, they can face risks of exploitation and abuse.¹²⁷



IMPACTS OF COVID-19
ON MIGRANT WOMEN

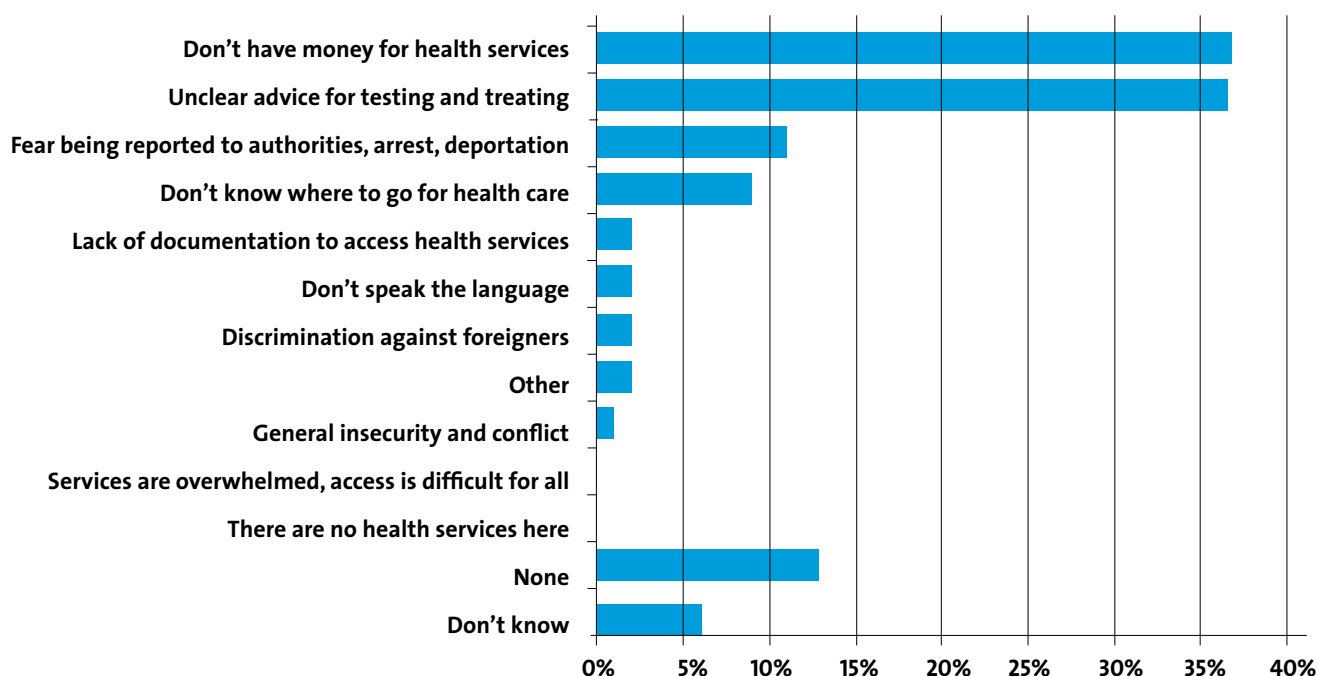
3. IMPACTS OF COVID-19 ON MIGRANT WOMEN

As with many other countries, women migrating from, into and through Niger are particularly affected by the impacts of the COVID-19 pandemic. While information on the number of migrants affected by COVID-19 is not available, there is some evidence of the impact of the pandemic on migrant women and their concerns about the coronavirus and its impact on their daily life as well as migration journey.

A survey carried out by the Mixed Migration Centre between 20 April and 20 June 2020 with 147 migrant women transiting in Niger found that COVID-19 awareness was high. The majority (50 per cent) of those surveyed strongly agreed with the statement “I am worried about catching coronavirus and its impact on my health”. Almost half of respondents (48 per cent) also strongly agreed with the statement “I am worried about transmitting coronavirus”.¹²⁸

Migrant women participating in the survey were also concerned about barriers to accessing health services. As shown in Figure 5, lack of funds (37 per cent), unclear advice regarding testing and treating coronavirus (15 per cent) and fear of being reported to authorities (11 per cent) were most often cited as the main barriers to accessing health care.¹²⁹

FIGURE 5.
Barriers to accessing health care

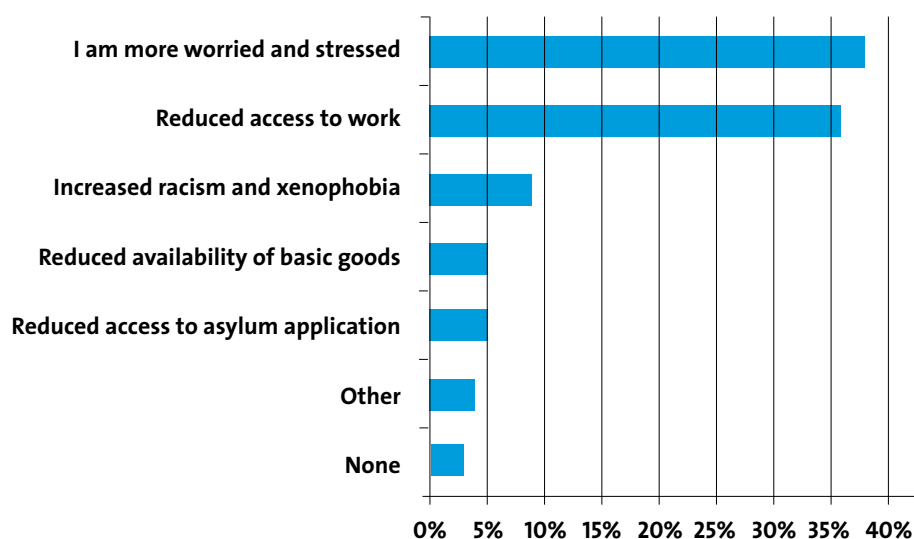


Source: MMC survey dataset conducted in Niger between 20 April and 20 June 2020.

The onset of COVID-19 has affected access to work opportunities for migrant women as a result of travel restrictions from/into the country. Hence, large numbers of them have lost their incomes and livelihoods. This has impacted their day-to-day life not only economically but also psychologically. As shown in Figure 6, reduced access to work (36 per cent) and increased worry and stress (38 per cent) were most often cited as the main impacts on their daily life.¹³⁰

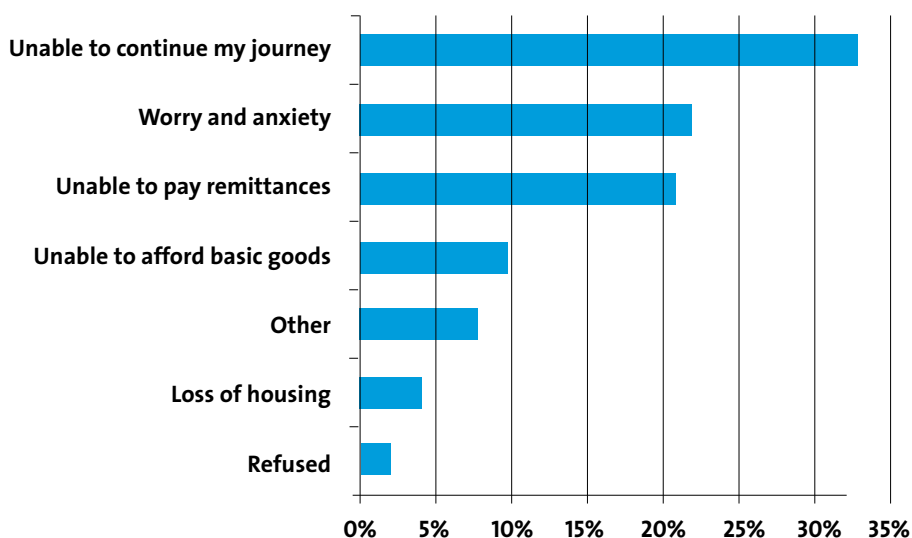
As shown in Figure 7, the loss of income had economic and psychological impacts on migrant women. The impossibility of continuing the journey (33 per cent), increased worry and anxiety (22 per cent) and the impossibility of paying remittances (21 per cent) were cited as the main impacts.¹³¹

FIGURE 6.
Impact of COVID-19 on daily life



Source: MMC survey dataset conducted in Niger between 20 April and 20 June 2020.

FIGURE 7.
Impact of the loss of income

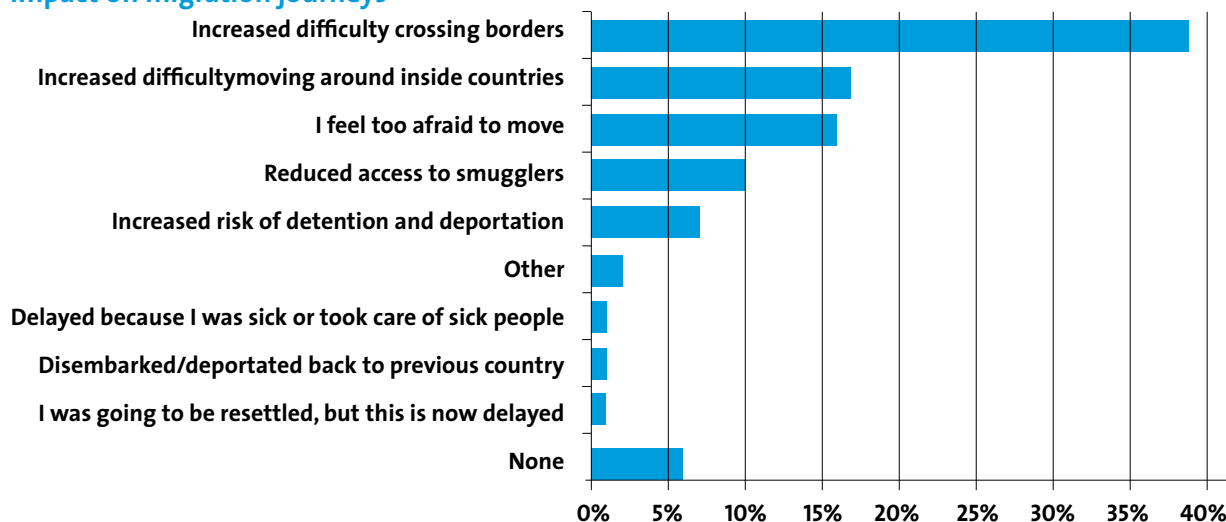


Source: MMC survey dataset conducted in Niger between 20 April and 20 June 2020.

The COVID-19 pandemic and related measures also had an impact on the migration journey of women transiting through Niger. Increased difficulty crossing borders (39 per cent) and increased difficulty

moving around inside Niger (17 per cent) were most often cited as the main impacts on their migration journey, as shown in Figure 8.¹³²


FIGURE 8.
Impact on migration journeys



Source: MMC survey dataset conducted in Niger between 20 April and 20 June 2020.

International NGOs and international organizations have been providing health service to migrant women, men, girls and boys to address this situation. For instance, in its day and night centres in Agadez, Médecin du Monde provides health care via its mobile health clinics to migrants returned from Algeria or Libya who enter Agadez and are subject

to compulsory quarantine. For the period 19 March to 18 April 2020, 1,302 migrants returned from Algeria and Libya were quarantined in IOM migrant centres in Assamaka, Arlit and Agadez.¹³³ However, sex-disaggregated data are not available.

The cover features a blue upper half and a green lower half, separated by a diagonal line. A large, semi-transparent number '4' is overlaid on the entire page. The title is centered in the blue area.

LEGAL AND POLICY
FRAMEWORKS ON
MIGRATION AND
GENDER

4. LEGAL AND POLICY FRAMEWORKS ON MIGRATION AND GENDER

This section analyses relevant policy and legal frameworks related to migration in Niger from a gender perspective and explores the extent to which migration issues are integrated into Nigerien frameworks related to gender issues.

4.1 Legal framework

This sub-section analyses how far gender equality considerations are included in migration-related legal frameworks in Niger.

4.1.1 Immigration

The two main pieces of immigration legislation in Niger are [Ordinance No. 81-40 of 29 October 1981 on entry and stay of foreigners in Niger](#) and [Decree No. 87-076/PCMS/MI/MAE/C of 18 June 1987 on the conditions of entry and residence of foreigners](#). Both legal documents refer to migrants in general, lacking specific references to migrant women.

Ordinance No. 81-40 of 29 October 1981 on entry and stay of foreigners in Niger

This ordinance is composed of 19 short articles that provide a classification of foreigners, specify the conditions and requirements for entry and stay with which foreigners must comply, including a list of sanctions in case of non-compliance, and outline the authority responsible for deportation.

It defines a ‘foreigner’ as a “person who does not have Nigerien nationality [because] he/she has a foreign nationality or he/she is stateless”. It also classifies foreigners into two categories: “non immigrant foreigners” (such as diplomatic staff and their family members, and migrants in transit) and “immigrant foreigners” (all other categories).

Decree No. 87-076/PCMS/MI/MAE/C of 18 June 1987 on the conditions of entry and residence of foreigners

This decree specifies the documents required to enter, stay and move in Niger as well as the expulsion procedures in case of non-compliance. It reflects ordinance No. 81-40 of 1981 and applies to all migrants, without including any specific references to women and/or girls.

The decree lacks provisions on the right to appeal to an expulsion order and on the situation of migrants and refugees while awaiting expulsion or refoulement. It also lacks provisions on family reunification, protection of migrant women, girls, men and boys and the rights of migrants in transit. Moreover, it does not include a definition of ‘vulnerable groups’. The decree uses gender-neutral language throughout without referring to the specific situation of migrant women, girls, men and boys.

4.1.2 Labour migration

Law No. 2012-45 of 25 September 2012 on Labour Code

This law is the main legal framework related to labour in general and applies to all workers in Niger, including women migrant workers even though they are not specifically referred to. It governs the relationships between employers and workers. It provides a definition of key terms and includes provisions on employment and vocational training, work conditions and remuneration, trade unions and collective bargaining, supervision and control

of observance of labour law, and sanctions. Its measures are applicable throughout the country.

While women migrant workers are not specifically addressed in the law, 'worker' shall mean "any person regardless of sex and nationality, who works for financial remuneration under the direction and authority of another person, whether natural or legal, public or private" (article 2).

The law states that children under the age of 15 are not permitted to work and that all children are protected by law from child labour, irrespective of sex and nationality.

The law highlights that the principle of non-discrimination, including on the basis of sex, age and race, must be applied in relation to recruitment, work allocation, vocational training, promotion, remuneration, social benefits or termination of employment (article 5). Furthermore, article 159 guarantees equal pay for work of equal value. The law focuses on migrant workers in a regular situation, with no reference being made to migrants in irregular situations and/or those working in the informal sector. It specifies that a migrant worker must obtain a work permit from the National Agency for Promotion of Employment and must have a work contract approved by the same Agency in order to work in Niger, which suggests that only migrants in a regular situation are in the position to comply with these rules. With regards to participation in trade unions, migrants workers have the rights to join trade unions. In order to be a member of trade union management, migrant workers must have resided in the country for a minimum of three years and must enjoy full rights as citizens in order to hold administrative and executive functions within trade unions (article 190).

The law includes specific protection provisions for pregnant women workers. For instance:

- Employers cannot terminate the permanent contract of women employees on the grounds of pregnancy (article 78).
- Pregnant women workers benefit from special rights, such as maternity leave and half pay for 14 weeks (articles 111-112).
- Upon completion of maternity leave, women are allowed time off for up to one hour per working

day in order to nurse a child below the age of one year (article 113).

4.1.3 Nationality

Law No. 2014-60 of 05 November 2014 modifying Ordinance No. 84-33 of 23 August 1984, on the Code of Nigerien nationality, modified by Ordinance No. 88-13 of 18 February 1988 and Ordinance No. 99-17 of 04 June 1999

These law and ordinances specify the modalities for foreigners to acquire Nigerien nationality.

Gender-specific discrimination in regard to the transfer of nationality to children and to spouses was removed via Ordinance No. 99-17 of 4 June 1999 and Law No. 2014-60 of 05 November 2014, respectively.

Nigerien women can pass on their nationality if the foreign spouses comply with the following pre-conditions: have been married for at least three years, justify an affective and financial life with the Nigerien women, have lived in Niger for at least three years, "have had a good conduct",¹³⁴ have not been involved in illegal activities (such as terrorism, drug trafficking, etc.), provide evidence of sufficient financial means and are integrated into Nigerien society. In order to retain Nigerien nationality after divorce, migrant women must comply with a series of requirements (to live in Niger or to marry another Nigerien man) that might be detrimental to them and might result in them deciding not to divorce in order not to lose their nationality.

As per Ordinance No. 84-33 of 23 August 1984, a child is Nigerien if they were born in Niger and descend from a parent who was born in Niger. Since the ordinance mentions "a parent" (i.e., mother or father), Nigerien women can also transmit their nationality to their children.

4.1.4 Trafficking in persons

[Ordinance No. 2010-86 of 16 December 2010 to Combat Trafficking in Persons](#) and the First National Action Plan to Combat Trafficking in Persons (2015-2018) are the main frameworks combating trafficking in Niger.

Ordinance No. 2010-86 of 16 December 2010 to Combat Trafficking in Persons

The ordinance, which was based on the Model Law against Trafficking in Persons developed by UNODC, aims to do the following:

- Prevent and combat trafficking in persons, especially women and children
- Protect, support and assist victims of trafficking, by respecting their human rights
- Punish traffickers
- Promote cooperation among States Parties to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).

The ordinance aims, among other things, to prevent and combat trafficking in persons, in particular women and children as per article 3, in line with the Palermo Protocol. The same article includes the principle of non-discrimination: “The measures [of the ordinance] shall be implemented without discrimination as to sex, race, nationality [...]”.

The ordinance also highlights the roles and responsibilities of the National Agency to Combat Trafficking in Persons of Niger, including data collection on the victims as well as the organization of training sessions on the rights of the victims, in particular women and children, for law enforcement, justice and immigration authorities.

Nevertheless, despite the fact that migrant women make up the vast majority of victims of trafficking for sexual exploitation, the ordinance does not make explicit and detailed references to them. It defines the term ‘victims’ as “any person who has directly or indirectly suffered from harm, including physical and moral injury, gross violations of fundamental rights or significant economic loss, as a result of any offences of the ordinance”. No reference is made to the migration status and/or sex of the victims in the definition. The definition also omits to specify that child and forced marriage constitutes a form of trafficking in certain circumstances.

Protection and assistance measures such as the following apply to both citizens from Niger and those from other countries:

- Housing
- Medical and psychological assistance
- Employment opportunities
- Reintegration measures.

Other protection measures apply to migrant women and men in particular, such as:

- Access to diplomatic and consular services of the migrant’s country of origin
- Possibility to be returned to her/his country of origin
- Possibility to benefit from legal status in Niger.

Other protection measures for trafficking victims who remain in Niger—such as a residence permit, vocational training and, if needed, a change of identity—should also be provided.

The procedural measures apply to all victims, regardless to their nationality. The ordinance guarantees, among other things:

- The right to redress
- The right to a legal representative
- Information on relevant court and administrative proceedings
- The right to privacy.

However, it does not explicitly mention the recovery and reflection period for the victim to make an informed decision on whether to cooperate with the competent authorities referred to in the ordinance.

Some articles of the ordinance target children, such as:

- Article 29 on aggravating circumstances for the traffickers in a case where the victim is a child
- Article 37 on the principle of the best interest of the child
- Article 42 on special measures for children’s statements
- Article 54 on protection measures for a minor victim.

First National Action Plan to Combat Trafficking in Persons (2015-2018)

In order to ensure coherence and coordination while combating trafficking in persons, the Action Plan contains concrete interventions to be carried out by all parties dealing with this issue.

The Action Plan points out that the majority of trafficking victims are “women and children ... due to their specific vulnerability”. However, only the following two actions make specific references to (migrant) women and children:

- “To draft and implement a national policy to combat trafficking in persons, especially children and women [...]”¹³⁵
- “To revise [...] the return and reintegration procedures for victims, including special mention for children (best interest)”.¹³⁶

4.1.5 Smuggling of migrants

Smuggling in Niger is mainly regulated by Law No. 2015-36 of 26 May 2015 on the Illicit Smuggling of Migrants and the First Action Plan to Combat the Illicit Smuggling of Migrants (2021-2025).

Law No. 2015-36 of 26 May 2015 on the Illicit Smuggling of Migrants

In line with the measures of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the law aims to prevent and combat smuggling of migrants, protect migrants’ rights and promote national and international cooperation.

While migrant women and girls are not specifically addressed, the law mentions the principles of equality between women and men and of non-discrimination: “The measures set forth in this law [...] shall be interpreted and applied to all without any discrimination [...] [including] on the grounds of race, [...], age, sex [...] and nationality” (article 4). This means that all persons who have been smuggled are entitled to the same legal provisions under the law.

The law establishes a list of aggravating circumstances to the offences, including when the person

who has been smuggled is a child and/or a pregnant woman. In such cases, stricter sentences are foreseen in terms of imprisonment and fines for the smugglers (articles 16 and 17).

The law includes two general protection measures which highlight the importance of considering the specific needs of women and children, without however providing details of how to address their needs:

- “Competent authorities shall take appropriate measures to afford migrants with appropriate protection against violence that may be inflicted upon them [...]. These measures must take into consideration the special needs of women, children [...]” (article 26)
- “Competent authorities shall afford appropriate assistance to migrants whose lives or safety are endangered. These measures take into consideration the special needs of special needs of vulnerable persons: women, children [...]” (article 27).

The law also makes reference to the best interest of the child, presumption of minority and access to education regardless of migration status.

However, the law lacks preventive provisions such as the need for exchange of information between States, strengthened border controls and gender-responsive awareness-raising and gender-sensitivity training for immigration officials on identifying and assisting victims who have been smuggled. It also lacks specific measures to ensure the protection of unaccompanied children. In addition, the law fails to specify measures to establish gender-sensitive and accessible complaint mechanisms for victims of smuggling without fear of retaliation. Finally, the law allows for the detention of migrants who have been smuggled and omits to specify the grounds for such detention. It also criminalizes migrants in irregular situations, making them more vulnerable to exploitation and abuse.¹³⁷

First Action Plan to Combat the Illicit Smuggling of Migrants (2021-2025)

The Action Plan is an operational document that aims to address the issue of smuggling in Niger. Its general objective is to contribute to the anti-smuggling efforts via an integrated and human

rights-based approach. It applies to all migrants, regardless of migration status.¹³⁸

According to data in the Action Plan, migrant women accounted for 52.6 per cent of international migrants in Niger in 2019. The following actions are specifically targeted towards women and children:

- To set up transit rooms for men, women and youth run by the local authorities in view of improving protection of migrants rights [...] ¹³⁹
- To lobby governmental authorities for the systematic delivery of birth certificates to children born in Niger from migrants in irregular situation [...] ¹⁴⁰
- To set up a platform for the delivery of birth certificates to children born in Niger from migrants in irregular situation [...] ¹⁴¹

4.1.6 Civil status

Law No. 2007-30 of 03 December 2007 on the Regime of Civil Status in Niger

The law aims to improve the geographical coverage of the services provided by the Nigerien civil status office, to build the capacity of civil status officials and to improve the efficiency of the services themselves.

This law grants both women and men the right to record vital events such as birth, death, marriage and divorce. For instance, the mother or the father can register the birth of their child. In case of a spouse's death, either the wife or the husband can declare the event. Marriage can be registered either by the wife or the husband.

Only two articles of the law are dedicated to the civil status of migrants, however, and without making specific references to migrant women. As per article 77, foreigners residing in Niger must register the following events at Nigerien centres for civil registration:

- Birth and death of family members
- Marriage (when one of the spouses is Nigerien and the other non-Nigerien).

As per article 78, the nationality of foreigners is recorded in their birth, marriage and death certificates.

4.2 Policy framework

The following sub-section provides an assessment of how far the main policies on migration in Niger include gender equality considerations as well as the extent to which key national policies on promoting gender equality and the empowerment of women consider the specific situations of migrant women.

4.2.1 Migration

National Migration Policy (2020-2035) and its Action Plan (2020-2025)

The **National Migration Policy** aims to improve the life conditions of migrants and the communities in which they live via efficient and effective migration governance. It seeks, among other aims, to achieve the following results: “women and youth have acquired technical and managerial knowledge in entrepreneurship” and “potential [women and youth] candidates of irregular migration are identified”.¹⁴² According to the Policy, an increasing number of women migrate abroad owing to a lack of economic opportunities in Niger, despite efforts to create more decent jobs for women in the country. It also recognizes a series of problems faced by women, such as the limited promotion of women's entrepreneurship and employment as well as discrimination against women.

The Policy refers to an increasing number of migrant children, the limited support offered to unaccompanied children, the need for access to education of migrant children and the problem of child begging.

‘Human rights and gender’ is one of the five guiding principles of the Policy, which states:

“[T]his principle encompasses the respect, protection and enjoyment of human rights, the free movement of persons, residence and establishment, the right to asylum with due regard to internal security, national peace, collective interest and especially national unity and cohesion. It also encompasses equality, equity and non-discrimination in migration management in order to consolidate and assert the recognition of and respect for ethnic diversity and religious diversity. Moreover, all citizens should be treated fairly and reasonably according to the principle of equal rights, but also by granting

specific rights to social groups whose situation is disadvantaged.”

The inclusion of this guiding principle in the Policy is a critical entry point to ensure that the protection of migrant women’s rights is a key part of its implementation. This requires that the specific needs and challenges of migrant women are addressed and their leadership promoted in all decision-making processes.

The **Action Plan** of the National Migration Policy has three main strategic components:

1. Economic potential and opportunities linked to migration
2. Protection of and assistance to migrants, refugees and host communities
3. Management of migration flows.

Only the first component makes references to women (and youth) by mentioning the following gender-specific actions and activities:¹⁴³

- Action 1: Building of technical and managerial capacities of women and youth
 - Activity 1: Create national incubator centres for women and youth
 - Activity 2: Train women and youth in business creation and management
- Action 2: Facilitating access to finance for women and youth
 - Activity 2: Create women’s artisanal cooperatives
 - Activity 3: Create a guarantee and advance fund with financial institutions for women and youth
 - Activity 4: Create a fund for women and young people’s participation in the capital and operation of enterprises
 - Activity 5: Establish a grass-roots self-financing system among its members (women and youth)

The responsible ministry for Action 1 is the Ministry of Advancement of Women and Children Protection and for Action 2 the Ministry of Youth Entrepreneurship.

A specific action under the second component is dedicated to the protection and assistance to children on

the move (although the specific needs of girls are not recognized).¹⁴⁴ It includes activities such as establishing transit and orientation centres for children on the move and providing them with assistance in the centres, reunification services with their families and education/vocational training opportunities.

The Action Plan lacks budget allocations from a gender perspective to respond to the specific needs of women and girls as well as sex-disaggregated performance indicators to monitor progress from a gender perspective.

National Strategy to Combat Irregular Migration and its Action Plan (2018-2022)

The **National Strategy**’s goal is to eradicate irregular migration, smuggling of migrants and trafficking in persons. It will help to ensure coherence between and coordination of the interventions of various stakeholders in order to respond to the challenges associated with irregular migration more efficiently. It aims to contribute to reducing irregular migration in Niger by managing borders better, developing prevention measures, reinforcing the measures to punish traffickers and protection measures targeting victims and promoting return and reintegration. The Strategy identifies the need for separate sanitation facilities for women and men at border control posts.

Its **Action Plan** constitutes the operational tool of the National Strategy. It elaborates a series of actions targeting women and girls, including:

- Develop income-generating activities for young women and men who did not complete school and for women and girls who might otherwise migrate. These activities include rearing poultry and guinea fowl;¹⁴⁵
- Develop Standard Operating Procedures (SOPs) on trafficking in persons and smuggling of migrants, covering, among others, the situation of women and children;¹⁴⁶
- Develop income-generating activities for returned migrant women and girls.¹⁴⁷

Unfortunately, the Plan does not include sex-disaggregated performance indicators. Similarly, it makes no provisions regarding budget allocations from a gender perspective to respond to the specific needs of women and girls.

4.2.2 Gender

National Policy on Gender and its Action Plan (2018-2022)

The **National Policy on Gender** constitutes the key policy framework for advancing gender equality and the empowerment of women and girls in Niger. It is structured around four strategic areas of intervention and related priority actions and strategies. The strategic areas are:

1. Improvements in the socio-cultural environment in relation to demography, peace and security for more gender equality
2. Strengthening the institutional and legal frameworks for effectively granting women and girls' rights, eliminating gender-based violence (GBV) and ensuring equal participation of women and men in decision-making
3. Economic empowerment and inclusive growth in relation to sustainable environmental management, disaster risk management, migration and humanitarian emergencies
4. Strengthening the institutional framework on coordination, monitoring and evaluation and partnership.

In relation to women's migration, the National Policy provides a general overview of gender and migration, including a definition of migration (both internal and international migration), information on the situation of migrant women and men and risks associated with internal migration for girls and boys. It highlights that there are more men than women who migrate and that the return rate is lower for women than men. It also states that girls who migrate internally face a risk of violence because of their socio-economic vulnerabilities. No information is included about the potential risks faced by migrant women.

Under its strategic area 3 on economic empowerment and inclusive growth, the National Policy foresees the following interventions in relation to migration:

- Decrease migratory movements of men, women and children and support refugees, displaced and returned women and men;¹⁴⁸
- Strengthen reception and care facilities for migrants [...] and their socio-economic reintegration.¹⁴⁹

The **Action Plan** of the National Policy on Gender reflects the strategic area and interventions outlined in the Policy itself in relation to migration. In addition, it identifies the following result: "the national capacities on combating irregular migration [...] are reinforced". The Action Plan also includes indicators, with the majority of them being disaggregated by sex.

National Strategy on Prevention and Response to Gender-Based Violence (GBV) in Niger (2017-2021)

The overarching objective of this **National Strategy** is to eliminate GBV in Niger and to ensure that "men, women, girls and boys live in peace, harmony and without discrimination". Its specific objective is to reduce the GVB prevalence rate in the country from 28.4 per cent to 15.4 per cent in 2021.

The National Strategy makes no references to migrant women. However, a cursory reference is made to internally displaced persons and refugees, highlighting that women and girls in conflict situations are disproportionately exposed to sexual violence.

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RECOMMENDATIONS

5. RECOMMENDATIONS

In light of the above findings, the following recommendations are made to address the specific needs, challenges and vulnerabilities of women migrating from, through and to Niger:

Making migration safe for women

- ✓ **Implement the National Migration Policy on Migration (2020-2035) and its Action Plan (2020-2025) from a gender perspective** by mainstreaming gender equality considerations in all migration measures in practice.
- ✓ **Ensure women's and girls' participation** in the design, implementation and evaluation of gender-responsive migration programmes and services.
- ✓ **Involve women and men equally in capacity-building activities**, as both trainees and trainers.
- ✓ **Train government officials** dealing with migration on gender mainstreaming and the protection of migrant women's rights.
- ✓ **Establish, operate and maintain** adequate, gender-responsive systems for effective search and rescue in the desert.
- ✓ **Prosecute and punish** all migration-related human rights violations against women, whether perpetrated by public authorities or private actors.
- ✓ **Provide access to migration pathways** that promote the empowerment of women and protect their rights.
- ✓ **Develop bilateral labour agreements** that ensure women have equal access to job opportunities beyond so-called traditional sectors such as domestic and care work.

Enhancing availability of sex-disaggregated data

- ✓ **Collect, analyse and disseminate data** on migration from, to and through Niger that should be disaggregated by sex, age and migration status, as well as **gender statistics on migration**.

- ✓ **Provide capacity building and tools** for the staff of the National Institute of Statistics and other governmental authorities (such as ministries responsible for immigration, labour migration and gender) to collect, use and disseminate sex-disaggregated data on migration and gender statistics on migration.

Addressing multiple and intersecting forms of discrimination

- ✓ **Take measures to eliminate in law and practice** any direct and indirect form of discrimination against women at all stages of migration by any person, organization or enterprise, recognizing the existence of multiple forms of discrimination.
- ✓ **Take appropriate measures in practice to prevent discrimination** against women migrant workers on the grounds of family status, marital status, legal partnership status, pregnancy or other characteristics.

Eliminating SGBV against migrants

- ✓ **Take measures to eliminate all forms of violence** against women, including SGBV.
- ✓ **Strengthen the prevention of SGBV and delivery of essential services for survivors of SGBV**, including health, police, justice and social services.
- ✓ **Develop and implement GBV standard operating procedures and referral mechanisms** that address the specific situations of migrant women, including those who are undocumented.
- ✓ **Establish monitoring systems** that allow for identification of women and girls at heightened risk of SGBV in order to mitigate and prevent these risks.
- ✓ **Ensure that the provisions** of both the National Policy on Gender and the National Strategy

on Prevention and Response to Gender-Based Violence (GBV) apply to migrant women and girls, including those who are undocumented.

Providing targeted long-term gender-responsive return and reintegration support

- ✓ **Address the situation of migrants awaiting refoulement and expulsion.** While Niger has the sovereign right to determine who enters and stays in its territory, this should be done in conformity with international normative frameworks on gender equality and respect for women's human rights.
- ✓ **Ensure that involuntary returns, deportations, removals and readmissions** are ordered only in the event that all judicial options have been exhausted. Each case must be treated individually, with due process and access to justice in accordance with international law and awareness of the gender-specific risks, including to SGBV, that woman may face upon return.
- ✓ **Guarantee the rights of migrant women if they are detained.** They should not share dormitories/living spaces with men who do not form part of the same family unit and they should be supervised by female guards. Staff members at detention facilities should be trained on the specific vulnerabilities and needs of migrant women, including sexual and reproductive health. Children should never be detained and alternatives to detention must always be sought.
- ✓ **Provide gender-responsive return and reintegration opportunities** to both voluntary and involuntary return migrants, taking into account that women and men may not face the same return and reintegration problems.
- ✓ **Facilitate sustainable reintegration of returning women** across three dimensions: economic reintegration (via employment or entrepreneurship opportunities); social reintegration (housing, health and education); and women's rights and access to justice.
- ✓ **Offer reintegration opportunities** at micro (family) level and/or macro (local community) level, based on assessment with the returning women.

Combatting trafficking in persons

In line with the United Nations Committee on the Elimination of Discrimination against Women (UN CEDAW) *General Recommendation No. 38 on Trafficking of Women and Girls in the Context of Global Migration*,¹⁵⁰ implementation of Ordinance No. 2010-86 of 16 December 2010 to Combat Trafficking in Persons and the 1st National Action Plan to Combat Trafficking in Persons (2015-2018) could be strengthened in a number of areas:

- ✓ **Identification of migrant women victims of trafficking:**
 - Increase the early detection capacities of relevant stakeholders (law enforcement, immigration authorities, social workers, etc.) to identify women who are victims of trafficking and facilitate the referral of victims, including non-nationals, to the appropriate services.
- ✓ **Assistance to migrant women victims of trafficking:**
 - irrespective of their migration status. Anti-trafficking responses should address the vulnerabilities of non-Nigerien women who migrate to/through Niger via both regular and irregular channels.
 - irrespective of the victim's co-operation with the law enforcement authorities.
 - on a consensual and informed basis.
- ✓ **Provide protection and assistance to migrant women at risk of trafficking.**
- ✓ **include gender-specific anti-trafficking responses in the ordinance and provide assistance and protection services in accordance with the age, gender and specific needs of the victim.**
- ✓ **Repatriation and return of migrant women who are victims of trafficking:**
 - Ensure compliance in practice with the principle of non-refoulement.
 - Implement return always on a voluntary basis and with the best interest of the victim in mind.

Combatting smuggling of migrants

- ✓ **Address the drivers of smuggling**, including those factors that make migrant women vulnerable to smuggling, by means of gender-responsive

policies, research, information, awareness-raising and training.

- ✓ **Improve data analysis and research** to better understand the intersectional dimensions of smuggling.
- ✓ **Amend Law No. 2015-36 on the Illicit Smuggling of Migrants** to strengthen the inclusion of gender equality considerations.

Access to decent work and social protection

- ✓ **Promote equality of opportunity and treatment** in respect of employment and occupation of migrant workers irrespective of migration status with a view to eliminating any discrimination based on sex.
- ✓ **Provide decent work** as well as labour and social protection for migrant women, including domestic workers.
- ✓ **Address the drivers of irregular migration for work**, including those factors that prevent women from accessing decent work.
- ✓ **Establish mechanisms for the portability of social security entitlements** for migrant women, irrespective of their migration and/or marital status.
- ✓ **Ensure the active involvement** of migrant organizations and women organizations to work with employers to strengthen the rights of women migrant workers in the workplace.
- ✓ **Strengthen the capacities of labour inspectors** to promptly identify labour rights violations against women migrant workers, including domestic workers, to protect them from abuse and to monitor the workplace conditions of migrant women.
- ✓ **Establish effective reporting, complaints and redress mechanisms** and ensure that women migrant workers, including those working in the informal economy, have recourse to them, without fear of expulsion.

- ✓ **Appoint and deploy labour attachés** in the countries of destination to protect the rights of migrant women abroad, including to identify, protect and assist possible victims of trauma, trafficking, SGBV or labour exploitation and to provide assistance to women in detention or due to be returned.
- ✓ **Provide training to enable women migrant workers** to acquire new occupational skills and advance in their careers.
- ✓ **Promote the role of migrant women in the economy** via the development of a full range of credit, banking and financial services to fully develop their businesses.
- ✓ **Establish measures to safeguard the remittances** of women migrant workers and provide information and assistance to women to access formal financial institutions to send money home and encourage them to participate in savings schemes.
- ✓ **Ensure that bilateral labour migration agreements** comply with and refer directly to international human rights law, norms and standards and mainstream gender equality considerations. The agreements should also ensure that women have equal access to job opportunities beyond so-called traditional sectors such as domestic and care work.
- ✓ **Accelerate the implementation of social protection measures** that benefit women in migration, including those working in the informal sector.
- ✓ **Ratify** the ILO Domestic Workers Convention, 2011 (No. 189).

Access to services

- ✓ **Develop and provide access to services** (such as health care, education, essential services for victims/survivors of SGBV) for all migrant women, including those that consider migrating and returned migrant women.
- ✓ **Guarantee equal access to and use of services** in law and practice for migrant women and men.

- ✓ **Provide access to gender-responsive health-care services** in line with international laws, norms and standards, ensuring such access is not restricted on the basis of migration status, especially in relation to reproductive and sexual health care.
- ✓ **Guarantee access to justice for women** at all stages of migration, including access to gender-responsive information about their rights and the means for claiming them.
- ✓ **Provide access to safe and confidential reporting** services for migrant women who experience human rights abuses.

Access to information about safe and regular migration

- ✓ **Provide access to information** to migrant women and girls on their rights, as well as the risks and challenges of irregular migration, through awareness-raising campaigns.

- ✓ **Improve access to information on labour migration procedures** via various channels, including those adapted to illiterate migrant women.
- ✓ **Provide access to gender-responsive information** on labour migration for women at pre-departure and post-arrival stages. Set up mechanisms at consular level in the event of rights violations.
- ✓ **Develop a national website** that provides information on migration, including gender-specific risks faced by migrant women.

Providing identity document and civil status services

- ✓ **Guarantee access to travel and identity documents** for women and girls at all stages of migration. Identity and travel documents should be issued in a fast, efficient and non-laborious manner.
- ✓ **Record vital events of migrants** irrespective of their migration status without exposing irregular migrants to the risk of arrest and/or deportation.

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ENDNOTES

ENDNOTES

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