



Niger

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Niger is beginning a process of consolidating a democratic system and a constitutional government following a period of instability during the last democratic government and coups d'etat in 1996 and 1999. An April 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A July 1999 referendum approved a new Constitution that provided for a power sharing-presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. The first round of presidential elections took place in October 1999, and presidential runoff and legislative elections were held in November 1999. Tandja Mamadou was elected president with 60 percent of the vote in an election that international observers called free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In January Tandja appointed MNSD member Hama Amadou as Prime Minister. The new Government made some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. During the year, the legislative and judicial branches exercised for the first time their constitutional right to audit the Government's budget. The judiciary is showing signs of independence; however, family and business ties can influence lower courts.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities maintain effective control of the security forces. The armed forces, after a crisis in June prompted by the kidnaping of a senior military official, publicly stated that they would abide by the rules of democracy and stayed out of politics. Members of the security forces committed abuses.

The economy is based mainly on subsistence farming, herding, small trading, and informal markets. Less than 15 percent of the economy is in the modern sector. Uranium is the most important export, though declining world demand has made this sector less profitable. Per capita income is less than \$200, and the country faces problems of drought, deforestation, soil degradation, and exceedingly low literacy. The economy remained severely depressed. Most international aid (an important factor in the economy) was suspended following the April 1999 coup d'etat; however, following the presidential and legislative elections in 1999, the country again is receiving foreign assistance.

The Government's human rights record remained generally poor; although there were improvements in several areas, some serious problems remain. With the 1999 election of President Tandja and members of the National Assembly in generally free and fair elections, citizens exercised their right to change their government. Two prisoners disappeared after having last been seen in the custody of military officers. Police and members of the security forces beat and otherwise abused persons, and there were incidents of torture by the military. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. While in general the Government supports the right to association, on at least one occasion, the Government limited this right. The Government frequently restricted freedom of movement. Domestic violence and societal discrimination against women continue to be serious problems. Female genital mutilation (FGM) persists, despite government efforts to combat it. There was societal discrimination against the disabled and ethnic and religious minorities. Worker rights generally are respected. There were reports that a traditional form of servitude still is practiced.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Unlike in the previous year, there were no reports of political or other extrajudicial killings.

On April 9, 1999, members of the presidential guard assassinated President Ibrahim Mainassara Bare and killed or seriously injured several other members of his entourage. The subsequent military-controlled transition government insisted that Bare was killed in an "unfortunate accident;" all perpetrators were granted amnesty by the 1999 Constitution and an amnesty law in January. Members of the Bare family continued to press for a full investigation and punishment for Bare's assassins, although no such action was taken by year's end.

In August 1999, prison guards used tear gas on a group of prisoners in their cells at the Niamey Central Prison, resulting in the deaths of 29 prisoners. A prison supervisor and guard were arrested as a result of the deaths; however, judicial proceedings had not begun by year's end (see Section 1.c.). As a result of this incident, the Minister of Justice promised in 1999 a full investigation and the reform of the prison system, including training guards and humanizing prison conditions; however, at year's end, the Government had not completed the investigation, and no results were released.

In February 1999 a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered at Bosso near Lake Chad in the far eastern region of the country. The missing men had been expelled from Nigeria as part of a Chad-Niger-Nigeria joint military operation. When last seen by their families in October 1998, the Toubous were in the custody of the Nigerien armed forces. The Government acknowledged the existence of the mass grave. Domestic and international human rights groups called for an independent investigation; however, no such investigation was forthcoming by year's end.

There was no investigation nor action taken in the 1999 case in which a Nigerien-Algerian team of security forces attacked a camp of alleged Islamic fundamentalists in the northwestern corner of Niger, killing between 4 and 15 persons.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces; however, during the year, the region became more secure, and intercommunal conflict, which in previous years resulted in some killings, declined significantly following the 1998 Toubou Peace Accords.

Unlike the previous year, there were no reports of violent disagreements over land use between sedentary farmers and herders in the Tillaberi Department along the Malian border and the Lake Chad region. Government officials maintained active relations with Malian officials on security and criminal problems. Likewise, security in the North Tillaberi pastoral zones improved significantly, and there were no reported instances of violence during the year.

There were no reports of vigilante killings during the year.

b. Disappearance

In June two army sergeants disappeared after they were arrested by other soldiers for their alleged involvement in the June 10 kidnaping of Major Djibrilla Hima, the commander of the army's only armor squadron (see Section 1.d.). Djibrilla was kidnaped at an army recreation center and released approximately 24 hours later on June 11 (see Sections 1.c. and 1.e.). Army sources claimed that the two escaped from the country, but their families said that they have not seen or heard from them since they were arrested. In July an investigating judge had a grave on the outskirts of Niamey reopened to determine if it contained the remains of one the sergeants, but it was impossible to identify the decomposed corpse.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police and soldiers beat and otherwise abused persons, and there were incidents of torture by the military.

On June 11 and 12, soldiers beat severely 3 of the 18 soldiers arrested for suspected involvement in the kidnaping of a senior military officer, Major Djibrilla Hima (see Sections 1.b. and 1.d.); others may have been abused. There also were reports that the soldiers tortured the detainees by beating them with fists, belts, and rifle butts. Soldiers who bribed or threatened prison guards to allow them access to the detainees allegedly carried out the beatings. Soldiers reportedly beat one of the detainees in front of Djibrilla and his wife. The prosecutor with overall responsibility for the kidnaping case investigated the torture and disappearance

allegations; however, he was removed from the case in mid-August following a month of intensive investigation. By year's end, there was no further investigation into the incident, and no action had been taken against the alleged torturers.

On several occasions, in April and May police used tear gas to disperse protesting students (see Section 2.b.). One student reportedly suffered a broken leg while running from the tear gas.

No action was taken against prison guards who beat and otherwise abused a taxi driver held in detention without charge in 1999.

Prison conditions are poor. Prisons are underfunded and understaffed; all 35 of the country's prisons are dangerous to the health and safety of the prisoners. Prisons are overcrowded. For example, in Niamey's Civil Prison there are more than 700 prisoners in a facility built for 350. Dietary, health, and sanitary conditions are very poor. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Prisoners are segregated by sex, and minors and adults are incarcerated separately.

Corruption among prison staff is rampant. There are credible reports that prisoners can bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also can claim illness and serve their sentences in the national hospital.

The majority of the prisoners who escaped from the prison in Zinder in 1999 were recaptured; however, others remained at large at year's end.

There was neither investigation nor action taken in the March 1999 case in which military personnel ambushed and beat the publishing director of *La Voix du Citoyen*. There was no action taken in the November 1999 case in which police officials used tear gas to disperse students holding a sit-in in Niamey to press claims for payments of their scholarships; at least 20 students were injured.

Human rights monitors, including the International Committee of the Red Cross, were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours, police sometimes violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period begins. Police, acting under authority given them by the Security Law, conduct sweeps to detain suspected criminals.

In June authorities arrested 18 soldiers and former soldiers in connection with the kidnaping of Major Djibrilla Hima; several were beaten or tortured, and 2 disappeared (see Sections 1.b. and 1.c.). Six individuals remained in custody pending trial; they have been charged with kidnaping and conspiracy, but at year's end, they had not been brought to trial.

A number of journalists were arrested during the year (see Section 2.a.).

Following the Maradi riots on November 8 and 9, police arrested approximately 100 persons in Maradi and others in Niamey. At year's end, 31 persons remained in custody in Maradi pending trial and 27 others were in custody in Niamey; they were charged with unauthorized demonstration and threatening public order.

The judicial system is seriously overloaded. There are no legal limits on pretrial confinement of indicted persons. Detention often lasts months or years; however, the Justice Ministry made efforts during the year to accelerate the process. Nevertheless some persons have been waiting as long as 6 years to be charged. Of the prisoners in Niamey's Civil Prison, approximately 500 are awaiting trial or had no charges brought against them.

The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The Government provides a defense attorney for all indigents in felony cases, including minors. Bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevent full exercise of these rights.

The Constitution prohibits exile, and there were no reports of its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it is occasionally subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influence lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there was evidence during the year of increased judicial independence; for example, in the cases against two *Canard Libere* journalists, the court dismissed the cases on procedural grounds; however, the cases were refiled (see Section 2.a.). In addition in the case against six military officers who continued to be held at year's end for kidnaping Major Djibrilla (see Section 1.d.), the investigating judge actively investigated charges of torture, although subsequently he was removed from the case.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only the application of the law and constitutional questions. There are also customary courts.

Traditional chiefs can act as mediators and counselors and have authority in customary law cases as well as status under national law where they are designated as auxiliaries to local officials. They collect local taxes and receive stipends from the Government, but they have no police or judicial powers and can only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by law, and defendants may appeal a verdict to the formal court system. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers comply with government requests to provide counsel, generally they are not remunerated by the Government.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations report that police often conduct routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, on several occasions, the Government limited this right in practice. On five occasions during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces; however, several of the cases resulted in convictions. *Canard Libere* journalists were convicted of libel against the Prime Minister and undermining the morale of the armed forces; the *L'Inquisiteur* journalists were convicted of publishing false information.

The Government publishes a French-language daily newspaper, *Le Sahel*, and its weekend edition. There are approximately 12 private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulate and report freely. However, strict accreditation requirements imposed on journalists by the 1997 press law remained in place.

In May the armed forces chief of staff, Colonel Moumouni Boureima, brought charges of "undermining the morale of the armed forces" against two *Canard Libere* journalists, following a series of personal slights

regarding Boureima. A court dismissed the case for procedural reasons in June; however, in July Defense Minister Sabiou Dady Gaoh filed the same charge against the same two individuals. They were convicted on October 3, sentenced to 6 months in jail, and fined \$710 (500,000 CFA) each. The prison sentence was suspended. The two journalists planned to appeal, but the appeal was pending at year's end.

In July police arrested the same two journalists with *Canard Libere* and detained them for several days for publishing an article calling Prime Minister Hama Amadou a "coward" for his alleged avoidance of responsibility in the Djibrilla kidnaping affair. They were tried, but the court again dismissed the case for procedural reasons. Hama again filed the case in July, and the court found one of the journalists guilty of libel in October, fined him approximately \$710 (500,000 CFA), and gave him a suspended sentence. The decision was appealed, but it remained pending at year's end.

In November three journalists from the newspaper *L'Enqueteur* were convicted on charges brought by the Minister Sabiou for publishing "false news" and "sensitive information" related to articles on purported troop movements near the Benin border in October. The newspaper publisher, Soumana Maiga was sentenced to 8 months in prison and fined approximately \$710 (500,000 CFA); his editor and a reporter received 6-month suspended sentences, and each was fined approximately \$430 (300,000 CFA). Maiga remained in prison at year's end; all three appealed their verdicts, which were pending at year's end.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There are several private radio stations; most are locally owned and some feature popular news programs in local languages. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

In 1998 the Government's Superior Council on Communication prohibited domestic broadcasting services from rebroadcasting programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), and Deutsche Welle programs without a time delay that would enable the Government to hold local broadcasters responsible for the programs' content. However, domestic affiliates of international services generally did not comply with this prohibition, and during the year, the Government ceased efforts to prohibit domestic rebroadcasting of foreign programs.

Television is a far less important medium than radio. The government-owned Tele-Sahel broadcasts about 4 hours every evening, with programming emphasizing news in French and other major national languages. There was a private television station, TV Tenere. The director of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics is extremely rare.

SONITEL, the state-owned telephone monopoly, is the country's only Internet service provider (ISP). There are no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

Academic freedom is generally respected. In April and May, students protested sporadically in protest of the nonpayment of their academic scholarships (see Section 2.b.). Ultimately the Government paid university students their scholarships; however, at year's end, scholarships for high school students had not been paid. Due to financial problems, the university did not function during the academic year; however, a normal schedule was planned for 2001.

b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly; however, the Government retains the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations, and there were no reports of political parties being denied permission for demonstrations during the year.

Students protested sporadically in April and May in protest of the nonpayment of their academic scholarships and the prospect of fees for tuition and examinations. On several occasions, police used tear gas to disperse protesting students after they started throwing rocks and burning tires.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations. There are 24 political parties.

c. Freedom of Religion

The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government supports the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

Religious organizations must register with the Interior Ministry. This registration is a formality, and there were no reports that it ever has been denied. The State must authorize construction of any place of worship. Foreign missionaries work freely, but their organizations must be registered officially as associations.

In April 1999, the Assemblies of God Church in Niamey was notified by the mayor's office that it had to close until the "new order" was established, presumably until a democratically elected government was in place. The church had been in its location since 1996 and had an ongoing dispute with one of its neighbors, another Christian group, which had been trying actively to have the church closed since its establishment. The authorities ordered the church to close; however, this order was not enforced, and the church remained open during the year and functioned without interference (see Section 5).

In reaction to rioting by Islamic fundamentalist groups in November, the Government banned six fundamentalist-oriented organizations (see Section 5). The Government, supported by local human rights NGO's, sought to restore order and discourage further violence. In November the country's most important human rights NGO, the Association Nigerien de Defense de Droit de L'Homme, strongly criticized religious intolerance and violence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights. Ministers of the former government no longer are prohibited from leaving the country pending inquiries into their financial affairs. Security forces at checkpoints monitor the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demand payments or bribes. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government offers first asylum, and to date it has offered asylum to several thousand persons. A few Chadian refugee families remain in the country.

There were no reports of the forced repatriation of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly. Tandja was inaugurated on December 22, 1999.

Pursuant to the July 1999 Constitution, which immediately entered into force after it was approved by 90 percent of the 31 percent that voted in the constitutional referendum, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In January Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a political system with checks and balances, a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

The Constitution granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty was approved during the first session of the National Assembly, which met in January. The Constitution also allowed governmental authorities to remain in place until new elections were held.

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in the 1999 presidential and National Assembly elections.

Women are underrepresented in government and politics. Only 1 woman won a seat in the 83-seat National Assembly; there are 2 female ministers in the Government. The National Assembly passed a law in May mandating that women would receive 25 percent of government positions, but at year's end, women did not fill that percentage of government positions.

The Government supported greater minority representation in the National Assembly, but no seats in the National Assembly are reserved for ethnic minorities. Although there are some questions about President Tandja's ethnicity, he is reportedly of mixed ethnicity (half Peul and half Kanouri). He is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up about 56 percent and 22 percent, respectively, of the country's population (see Section 5). All major ethnic groups are represented in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations normally operate without government hindrance, and they publish findings and conclusions that often are highly critical of the Government in their own publications and in the small independent press. Notable among the associations are the Nigerian Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There are several other women's rights groups. The International Committee of the Red Cross is active in the country. During the year, the Government created, but did not fund, the National Commission on Human Rights and Fundamental Liberties with a mandate to include communication, advocacy, and investigation of human rights abuses. Nevertheless, the organization functioned during the year; it published in October a credible report on the Djibrilla kidnaping case (see Sections 1.c. and 1.d.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, and Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there are instances of discrimination against women, children, ethnic minorities, and disabled persons, including, but not limited to, limited economic and political opportunities.

Women

Domestic violence against women is widespread, although firm statistics are lacking. Wife beating is reportedly common, even in upper social classes. Families often intervene to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations report that prostitution is often the only economic alternative for a woman who wants to leave her husband.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights. Such practices are worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remain underrepresented in these areas.

Women's inferior legal status is evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of

households. Among the Hausa and Peul ethnic groups in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1999 the Government ratified the Convention for the Elimination of All Forms of Discrimination Against Women; in August the Ministry of Justice formed a committee of legal scholars began reviewing appropriate law. Islamic groups criticized the ratification and complained that they were not consulted beforehand. Women's groups have so far been silent on the ratification, allegedly due to fear of reprisals.

National service is mandatory for all young women who have completed university studies or professional training. National service lasts from 18 months to 2 years, and women can serve as teachers, health service workers, or technical specialists; however, military service is not an option.

Children

Although the Constitution provides that the Government promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only about 32 percent of children of primary school age attend school, and about 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 7 percent, compared with 18 percent for males.

Some ethnic groups allow families to enter into marriage agreements on the basis of which young girls from rural areas are sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. In August the Minister of Justice formed a commission to examine the problem of child brides; at year's end, the commission's work was ongoing.

There are credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. Child prostitution is not specifically criminalized, and there is no precise age of consent; however, the law condemns "indecent" acts towards minors, but it is left to a judge to determine what constitutes an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" are punishable by 3 to 5 years in prison.

Female genital mutilation, which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. FGM is not illegal, but the Government is engaged in an effort to eliminate the practice. A 1998 study by CARE International indicated that 5 percent of women between 15 and 49 years of age had undergone FGM; however, a June 1999 symposium cited a World Health Organization global study of 20 percent; statistics regarding this practice are not considered to be fully reliable. Clitoridectomy is the most common form of FGM. In October seven FGM practitioners turned in their knives at a public ceremony attended by the Justice Minister and pledged to discontinue performing FGM. The Government worked closely with a local NGO, the U.N. Children's Fund, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

People with Disabilities

The Constitution mandates that the State provide for the disabled; however, the Government has yet to implement regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists.

Religious Minorities

There are generally amicable relations between the various religious communities, but there have been instances when members of the majority religion (Islam) have not been tolerant of the rights of members of minority religions to practice their faith. In November several hundred Muslims rioted in the provincial capital of Maradi, burned a Protestant church and a nearby seminary facility belonging to the Abundant Life Church, and looted houses and an office at a compound of a foreign missionary organization. At year's end, the leaders of the riots were in prison awaiting legal action (see Section 2.c.).

In 1999 members of the Southern Baptist mission in Say received threats of physical harm from members of a local Islamic association unless they left the city within a week. The missionaries were threatened periodically

since late 1998 when they announced their intention to build a church in Say, which is considered an Islamic holy city. Following these threats, the missionaries left Say in late 1999 and moved permanently to another location in the country (see Section 2.c.), where they operated without incident. However, some local Christians remain in Say. On May 14, the same members of the local Islamic community in Say threatened to burn the meeting place of the local Christians who remained. Leaders of the same organization also threatened to beat or have arrested a local Christian man in the village of Ouro Sidi because he continued to work with the Southern Baptists; however, there were no reports that such threats were carried out.

National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups make up about 56 percent and 22 percent, respectively, of the country's population of some 11 million. These two groups also dominate government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris have few representatives in the Government, and many of these ethnic groups assert that the Hausa and Djerma groups discriminate against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. It supported the 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continued to have less access to government services, and the temporary suspension of foreign assistance in 1999 limited the Government's ability to fulfill its commitments to former rebel areas. During the year, foreign assistance resumed, and the region is receiving assistance again.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force is employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerian Teachers (SNEN) profess political autonomy, but they have informal ties to political parties. There is also a small breakaway union confederation and independent teachers' and magistrates' unions. The water and forest worker unions, shut by the Government in 1996 because of their "paramilitary nature" resumed operation; however, the police union remains suspended. The National Trade Union of Customs Officials of Niger (SNAD), dissolved by the Government in 1997, was authorized in April to resume operations.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that: labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector. The International Labor Organization (ILO) has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

There were a number of strikes during the year. There were repeated work stoppages by judiciary, communications, health care, and education workers due to government inability to pay workers' salaries. In March Finance Ministry employees went on strike without providing legal notice to demand bonuses; they cancelled a subsequent strike notice when threatened with punitive action by the Government.

On October 16, teachers went on strike for 4 weeks. On November 1, the judge ordered the teachers to stop their "illegal and savage" strike and return to work. SNEN issued a strike notification that they believed complied with the law and continued the strike with marches scheduled for the week of November 6. The teachers ended their strike on November 6 and resumed normal work; they were promised 1 month of the 12 months of pay owed to them, to be paid early in 2001.

The USTN is a member of the Organization of African Trade Union Unity and abides by that organization's policy of having no formal affiliations outside the African continent; however, it receives assistance from some international unions. Individual unions such as the teachers union are affiliated with international trade union secretariats.

b. The Right to Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. The USTN represents civil servants in bargaining with the Government. Agreements between labor and management apply uniformly to all employees.

The Labor Code is based on ILO principles, and it prohibits antiunion discrimination by employers; labor unions reported no such discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, there were a few reports that a traditional form of slavery still is practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions. Persons are born into a traditionally subordinate caste and are expected to work without pay for those above them in the traditional social structure. None of these individuals appear to have been forced into servitude. Individuals can change their situations and are not pursued if they leave their positions; however, most do not and accept their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

In November 1999, a traditional chief was arrested based on charges that he practiced slavery. The chief was tried and convicted on the charges, served a sentence of several months, and was released during the year. The code does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law permits child labor in nonindustrialized enterprises under certain conditions. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age are limited to a maximum of 4 1/2 hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforce child labor laws. Minimum compulsory education is 6 years, but far fewer than half of school-age children complete 6 years of education.

Child labor is practically nonexistent in the formal (wage) sector, and there are no known instances of the use of child labor in factories; however, children work in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, are hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly work with their families from a very early age--helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children are kept out of school to guide a blind relative on begging rounds. Others sometimes are employed by marabouts (Koranic teachers) to beg in the streets. There is no official recognition of this labor.

In June the National Assembly passed a law permitting the ratification of ILO Convention 182, which bans the worst forms of child labor; and the Government subsequently ratified the convention. The Ministry of Labor is responsible for implementing the convention; however, at year's end no further specific action had been taken.

Forced or bonded labor by children is not prohibited specifically; however, there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector. The lowest minimum wage is \$33 (24,565 CFA) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel. Minimum wages are not sufficient to provide a decent standard of living for workers and their families. Government salaries are substantially in arrears. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period; however, for certain occupations

the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focus on safety violations only in the most dangerous industries: mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; while in general there were no reports that persons were trafficked, to, from, through, or within the country, there was anecdotal evidence that organized rings may victimize young coastal girls who come to work as household helpers.

In August the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts. At year's end, the study was ongoing; no statistics were available regarding the extent of the problem.

[End.]