



## Niger

### Country Reports on Human Rights Practices - [2007](#)

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Niger is a multiparty republic that returned to democracy in 1999 following coups in 1996 and 1999; it has a population estimated at 13 million. In 2004 Mamadou Tandja was elected to a second five-year presidential term in an election that international observers deemed generally free and fair. Four parties joined the ruling coalition of the National Movement for the Development of Society (MNSD) and the Democratic and Social Convention (CDS) to win a majority of national assembly seats. In February the Tuareg rebel group Niger Movement for Justice (MNJ) launched a series of attacks against military and strategic installations in the north. These attacks continued throughout the year. In response the government declared a state of alert on August 24, which remained in effect for the remainder of the year. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

Government respect for human rights decreased during the year. Human rights abuses included extrajudicial killings and use of excessive force by security forces; poor jail and prison conditions; arbitrary arrest and detention; prolonged pretrial detention; executive interference in the judiciary; excessive use of force and other abuses in internal conflict; restrictions on press freedom; forcible dispersal of demonstrators; restrictions on freedom of movement; official corruption; societal discrimination and violence against women; female genital mutilation (FGM); trafficking in persons; the practice of slavery by some groups; and child labor.

The MNJ committed arbitrary killings and other abuses, including the use of children for intelligence gathering.

#### **RESPECT FOR HUMAN RIGHTS**

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces were responsible for the deaths of civilians in connection with the conflict in the north (see section 1.g.).

There were no developments in the deaths of Alpha Harouna Hinsu or Moussa Douka in May and July 2006, respectively, both of whom died after being taken into police custody.

Bandits continued to set up roadblocks along highways to attack, rob, and kill persons. On May 29, armed bandits attacked passenger vehicles in the northern Tadress valley, killing three persons.

There were no further developments regarding the August 2006 attack on a cigarette convoy in the northern region or the 2005 killing of a French tourist by bandits.

Disputes between herders and farmers over land tenure and grazing areas continued and resulted in several deaths. On January 4, one such dispute in the Zinder region resulted in four deaths. On July 4, a similar clash in the Tillabery region left seven dead and seven injured. Regional and local authorities visited the village to restore peace. At year's end both cases were still under investigation.

There were no further developments regarding a 2005 confrontation between herders and farmers that left 11 dead and 12 injured.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices. Unlike last year there were no reports that security forces beat and abused prisoners in Niamey; however, there were reports that security forces and the MNJ beat and reportedly tortured civilians in connection with the conflict in the north (see section 1.g.). Fighting between government and rebel forces in the north resulted in civilian injuries (see section 1.g.).

Police forcibly dispersed demonstrations, which resulted in injuries.

Disputes between farmers and herders resulted in deaths and injuries.

### Prison and Detention Center Conditions

Prison conditions were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's civil prison there were 759 prisoners in a facility built for 350. During the year the government built a new ward for women. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition, sanitation, and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria.

Corruption among prison staff was rampant. Prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Some prisoners bribed officials to serve their sentences in the national hospital in Niamey.

Pretrial detainees were held with convicted prisoners.

Human rights observers, including the National Human Rights and Fundamental Liberties Commission, were granted unrestricted access to prisons and detention centers, and conducted visits during the year.

### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police violated these provisions.

The state of alert in the north allowed security forces to arrest and detain individuals without charge indefinitely (see section 1.g.).

### Role of the Police and Security Apparatus

The armed forces, under the Defense Ministry, were responsible for internal and external security. The gendarmerie, also under the Defense Ministry, had primary responsibility for rural security. The national forces for intervention and security, under the Interior Ministry, were responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, was charged with urban law enforcement.

The police were ineffective largely due to a lack of basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons-handling skills. Corruption remained pervasive. Citizens complained that security forces did not adequately police border regions. The gendarmerie were responsible for investigation of police abuse; however, impunity was a problem.

### Arrest and Detention

The constitution and law require a warrant for an arrest, and this generally occurred in practice in areas outside the north. The law allows for individuals to be initially detained for up to 48 hours without being charged, and allows for an additional 48 hour detention period if police need more time to gather sufficient evidence. Security forces usually informed detainees of the charges against them promptly; however, detainees involved with sensitive cases were sometimes held longer than legally permitted. Detainees have a right to prompt judicial determination and this generally occurred in practice. Those arrested must be notified of their right to a lawyer within 24 hours of detention. Indigents are provided a lawyer by the government. There is a functioning bail system for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented many from fully exercising their right to an attorney and using the bail system.

Security forces arrested journalists and demonstrators during the year.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. The law provides for a maximum pretrial confinement of 30 months for serious crimes and 12 months for minor offenses, with special extensions in certain sensitive cases; some persons waited as long as six years to be tried. At year's end 79 percent of the prisoners in Niamey's civil prison were awaiting trial.

#### e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. Corruption and inefficiency were problems. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the government. In civil matters there were reports that family and business ties influenced lower court decisions. In some instances judges granted provisional release pending trial to high-profile defendants. These defendants were seldom called back for trial, and had complete freedom of movement and could leave the country.

The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only application of the law and constitutional questions. The High Court of Justice deals with cases involving senior government officials. There also were civil criminal courts, customary courts, traditional mediation, and a military court. The military court provides the same rights as civil criminal courts; however, customary courts do not. The military court cannot try civilians.

#### Trial Procedures

The law affirms the presumption of innocence. Trials were public, and juries were used. Defendants have the right to counsel, including counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Defendants also have the right to be present at trial, to confront witnesses, and to present witnesses on their own behalf. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants may appeal verdicts, first to the court of appeals, then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights.

Although lawyers complied with government requests to provide counsel, the government generally did not remunerate them.

There were developments in a military court's 2005 sentencing of several army personnel charged with high treason in 2002. Following an appeal filed by one of the defendants, the Supreme Court, citing faulty procedure, ruled that the military court must try the case again.

Under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems. Women do not have equal legal status with men in the customary courts and traditional mediation, and do not enjoy the same access to legal redress. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate in customary law matters, including marriage, inheritance, land, and community disputes, but not in all civil issues. Chiefs received government stipends but had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts based largely on Islamic law and local tradition are located only in large towns and cities, and try cases involving civil law. These courts 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 can appeal a verdict in the formal court system.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Courts of civil procedure exist in each major city. These courts are generally independent and impartial, and there is access to seek damages for human rights violations. These courts hear lawsuits related to civil matters and can apply judicial remedies, while a single appellate entity is responsible for administrative remedies.

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

The constitution and law generally prohibit such actions, and the government generally respected these prohibitions; however, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals

or stolen property.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

In February the MNJ began a series of attacks against military and strategic installations in the country's uranium-rich northern region. The MNJ demanded greater regional autonomy and a larger share of the region's resources and claimed that the government had not honored provisions of a 1995 peace accord that ended a five year Tuareg rebellion. The government stated that it had fulfilled most of the peace accord provisions. In response to the attacks, the government sent 4,000 troops to the region, where they operated under special powers granted by the president under the state of alert. The state of alert allowed the government to arrest and detain persons without charge indefinitely, restricted freedom of movement, and banned live broadcasts about the government's policy in the north.

#### Killings

Fighting between government and rebel forces resulted in the deaths of approximately 45 civilians. For example, On August 9, two civilians were killed by errant mortar fire during fighting between the army and the MNJ in Agadez.

Landmines killed civilians. The government and the MNJ accused each other of laying the landmines.

For example, on August 31, a landmine exploded and killed two civilians near Iferouane; on September 5, a landmine exploded and injured three civilians northeast of Agadez; and on December 10, landmines killed two civilians in the cities of Maradi and Tahoua.

Soldiers killed suspected informants and rebel collaborators. For example, on June 2, the army killed three elderly civilians in the valley of Tezarzeit, Sidi Mohamed Imolan, Abtchaw Kounfi, and Aoussouk Kounfi, who were suspected of being MNJ informants; On November 22, the army reportedly killed four civilians in Tchintebizguine in retaliation for a landmine explosion; and on December 9, the army killed six civilians and an off-duty police officer near Tiguidit. The army stated that the December 9 deaths were accidental, while family members claimed the victims had been tortured and arbitrarily executed. The government launched an investigation regarding the incident.

#### Physical Abuse, Punishment, and Torture

There were reports of torture by both government soldiers and the MNJ.

There were reports that the army arrested several civilians, and beat and detained them in military barracks before turning some over to law enforcement officials. Some individuals were held incommunicado.

On August 31, the military arrested Aziz Amayagy, an international nongovernmental organization (NGO) employee in Agadez. Amayagy was denied contact with his family for several days, and at year's end was still in detention.

On November 23, in Agadez, security forces arrested several persons suspected of having ties to the MNJ. Most of those arrested were released the next day.

International human rights organizations estimated that at least 35 individuals were held in detention centers in various localities at year's end. The government had not released the names of many of those held or the charges against them.

For example, in August security forces detained seven persons in Agadez who were suspected of having ties to the rebellion and transferred them to the Agadez prison on September 17. Also in August security forces arrested five persons under the same suspicion in Arlit; some of these persons were reportedly transferred to Koutoukale maximum security prison.

The use of landmines caused several civilian casualties. Alleged MNJ rebels stopped transport vehicles, beat passengers, and stole their valuables.

#### Child Soldiers

There are reports that the MNJ used children to gather intelligence on government security forces.

#### Other Conflict-Related Abuses

Reports indicated that approximately 23,000 persons lived in localities north of the city of Agadez that were inaccessible due to the conflict. Landmines and roadblocks restricted the free and safe passage of humanitarian organization

personnel, food, and supplies to the north. As a result there was a food shortage in the town of Iferouane for several weeks during the year. In September landmines and roadblocks placed by the MNJ and bandits prevented a humanitarian aid convoy from reaching Iferouane.

Food shortages and fighting between MNJ and government troops displaced civilians. Most of Iferouane's 5,000 residents left the town. Residents of several other towns north of Agadez were also displaced.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of expression; however, the government did not respect press freedom in practice, particularly in relation to the conflict in the north. Journalists practiced self-censorship. The state of alert in the north restricted both journalists' travel and reporting on the conflict (see section 1.g.).

Individuals generally could criticize the government publicly or privately without reprisal; however, the government occasionally attempted to impede criticism. For example, on August 27, the police arrested Issoufou Bachard, an opposition political party leader who had criticized the government on a private radio broadcast. He was held for two days and then released without charge.

The government published a daily newspaper. There were approximately 60 private newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

Radio was the most widely accessible medium. A government-owned radio station provided news and other programs in French and local languages. The station generally provided equitable broadcasting time for all political parties. There were 15 private radio stations; eight were owned locally and featured news in local languages. Private radio stations were generally less critical of the government than private newspapers.

Unlike in previous years, there were no reported complaints of unequal coverage of political party activities by the government-owned media.

The two government-owned television stations broadcast in French and the major national languages. Three private television stations broadcast local and foreign programming. A fourth private channel broadcast religious programming. Access to international channels was available in Niamey.

International media were not allowed to operate freely. The government did not allow the international media to freely cover events in the north (see section 1.g.). In July Radio France International (RFI) was forced to suspend broadcast for one month for allegedly biased coverage of events in the north. BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America and Deutsche Welle.

Security forces arrested and detained journalists during the year, mostly in relation to reporting on the conflict in the north; however, journalists were also arrested under libel laws for reporting on other subjects.

On September 20, RFI correspondent Moussa Kaka was arrested and charged with allegedly collaborating with the MNJ. In November a judge rejected the state's evidence against Kaka; however, he remained in prison at year's end pending an appeal by the state prosecutor.

On October 5, a French journalist was expelled from the country. The journalist had been arrested while on a reporting assignment in the north, and was detained for several weeks.

On December 17, security forces arrested two French journalists. The journalists had entered the country ostensibly to report on the avian flu; however, they were found with footage of the MNJ. Both remained jailed at year's end.

There were developments regarding Mamane Abou and Oumarou Keita, respectively the director and editor of *Le Republicain* newspaper, who were arrested and jailed in August 2006. On February 12, the Niamey Court of Appeals dismissed the charges against them for lack of evidence.

On August 28, the government banned all live private broadcasts of debates on the conflict in the north. Rebroadcast of taped debates was permitted, implying that broadcasters should edit out unfavorable or controversial commentary. In practice the media widely ignored the order. During the year the government repeatedly called on journalists to self-censor their reporting in the interest of "national unity" and patriotism.

Government officials continued to use criminal libel laws and the media regulatory body to intimidate critics.

On June 29, the High Council of Communication (CSC) suspended publication of the private newspaper *Air Info* for three months for publishing reports of fighting between the army and the MNJ. *Air Info* editor Manzo Diallo reacted to the suspension by launching a new newspaper *Infos de l'Air*. The gendarmerie subsequently detained him for several hours and questioned him about his reasons for creating the new newspaper. On October 9, airport police arrested Diallo before his scheduled departure for France, he was still in jail at year's end.

In June 2006 the CSC closed the private newspaper *l'Opinion*. The newspaper's owner continued publication of a new newspaper that was begun immediately after *l'Opinion's* closure.

In January Amadou Issoufou, a journalist for the national television network, was reinstated after having been suspended in December 2006 for reporting on Mamane Abou and Oumarou Keita's release from prison that year.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, few citizens used the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and law provide for freedom of assembly; however, police forcibly dispersed demonstrators. The government retained authority to prohibit gatherings either under tense social conditions or if 48-hour advance notice was not provided.

On March 17, University of Niamey students held a violent demonstration against poor living condition on campus. The police used tear gas and force to disperse the demonstrators. Police arrested several students. On March 22, students wrecked and burned an administrator's office. Other students attempted to set fire to the administrator's home. The violence resulted in the closure of the campus on March 24. Six student leaders were arrested, and at year's end University of Niamey Nigerien Students Union leaders Ibrahim Diori and Hama Hamadou remained in detention. On April 25, students clashed with police, resulting in 15 student injuries. On May 2, police swarmed the student union headquarters and arrested five more students. Other student demonstrations in the country resulted in 13 arrests. On May 22, 12 students were arrested when the police dispersed a rally on campus. All students involved in the April and May incidents were later released.

There were no further developments regarding the July 2006 case in which police used force to disperse a protest relating to events in Lebanon.

##### Freedom of Association

The law provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Islam was the dominant religion, and the Islamic Association, which acted as an official advisory committee to the government on religious matters, broadcast biweekly on the government-controlled television station. On government-controlled media, Christian programs generally were broadcast only on special occasions, such as Christmas and Easter, although the independent media regularly broadcast such programs.

Religious organizations must register with the Interior Ministry. Approval is based on submission of required legal documents and the vetting of organization leaders.

The constitution specifies that the president, prime minister, the National Assembly president, and Constitutional Court president must take an oath on a holy book of their own choosing. Members of the Constitutional Court, Independent National Election Commission, and CSC must do the same.

The Ministry of Religious Affairs (MRA) was created on March 1 to foster interfaith dialogue, elicit religious viewpoints on government policies and programs, coordinate religious organizations' humanitarian projects, and establish religious schools. The Niger Islamic Council, an organization composed of representatives from Muslim organizations and government agencies, reported to the MRA.

#### Societal Abuses and Discrimination

In December the Niger Islamic Council held a training session for Islamic leaders on general sermon guidelines meant to prevent the use of provocative language that could cause disagreement among Muslims.

There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, unlike the previous year the government did not allow some individuals to leave the country, and freedom of movement was restricted in the north (see section 1.g.).

On August 22, police questioned and stopped former secretary of the government Laouel Kader from leaving the country. He had accepted a position with a French mining company, Areva, that was suspected of providing support to the MNJ. Authorities claimed that Kader provided sensitive government information to Areva.

Throughout the country security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. No investigation was conducted in response to the Anticorruption Commission's call for an investigation into checkpoint corruption. During the year bandits set up roadblocks along highways and robbed and killed travelers.

The law prohibits forced exile, and there were no reports that the government used it.

There were no further developments regarding the case of the Mahamid Arab community in Diffa, a group of nomadic Arabs of Chadian origin that had settled in the eastern Diffa region in the 1970s and 1980s. In October 2006 the government announced that the group would be expelled from the country; however, the government reversed this decision four days later. At year's end no Mahamid Arabs had been forced to move.

#### Protection of Refugees

The law does not provide for granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government did not routinely grant refugee status or asylum. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to approximately 338 persons during the year. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In December 2004 Mamadou Tandja was elected to his second five-year presidential term with 65 percent of the vote in an election that international observers described as generally free and fair, despite some irregularities on election day. A coalition composed of the MNSD, CDS, the Rally for Social Democracy, the Rally for Democracy and Progress, the

Nigerien Alliance for Democracy and Progress, and the Social-Democratic Party of Niger backed Tandja and, in legislative elections held at the same time, won 88 of the 113 seats in the National Assembly. The opposition Nigerien Party for Democracy and Socialism won 25 seats. Tandja reappointed MNSD party president Hama Amadou as prime minister.

On May 31, a National Assembly vote of no confidence forced prime minister Hama Amadou and his cabinet to resign. The president appointed a new prime minister, who formed a new cabinet. The transition occurred peacefully and followed constitutional guidelines.

Political parties operated without restriction and outside interference. Individuals and political parties can freely declare candidacies and stand for election.

The societal practice of husbands voting their wives' proxy ballots effectively disenfranchised many women in the 1999 elections; however, female voter turnout substantially increased during the local, legislative, and presidential elections held in 2004. There were 14 women in the 113-member National Assembly and eight female ministers in the 31-member cabinet; six of the country's 20 ambassadors were women. The law mandates that women receive 25 percent of senior government positions and fill 10 percent of elected seats; women held at least 10 percent of the 3,747 local council positions.

All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Fulani and half Kanouri, is the country's first president who is not from either the Hausa or the Zarma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the population.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a severe problem. The government publicly acknowledged that corruption was a problem.

Citizens sometimes paid bribes to civil servants to circumvent bureaucratic obstacles. Corruption was compounded by a poorly financed and trained law enforcement system and weak administrative controls. Other underlying causes of corruption were poverty; low salaries; the politicization of the public service; the influence of traditional kinship, ethnic, and family ties on decision making; a culture of impunity; and a lack of civic education. Nevertheless, during the year continued pressure from foreign donors, civil society organizations and many citizens led to some progress in the fight against corruption.

On February 24, Jules Ouguet, Director General of the government-owned Nigerien City Planning and Construction Corporation, was arrested and jailed for embezzling \$53,600 (24 million CFAF) from the company. Ouguet was released on March 21 after his family and friends paid back the money.

On November 1, the president of the Niamey City Council, Aboubacar Seydou Ganda, was arrested and jailed for embezzling \$205,000 (92 million CFAF) and corruption in regards to public contracts. Five of his senior staff members were also arrested and all remained in jail at year's end. On November 19 and 20, an additional 12 businessmen were also arrested and jailed in connection with the case.

On December 17, the President of the Maradi City Council, Idi Malle, was arrested and jailed for misuse of public funds. He was released on bail a week later after he paid back \$89,000 (40 million CFAF).

On June 15, the High Court of Justice (HCJ) granted provisional release to two ministers, Ari Ibrahim and Hamani Harouna, jailed in October 2006 on corruption charges related to the Ministry of Basic Education scandal. The HCJ reopened the case on December 26, and subsequently postponed the case. No action was taken against three national assembly deputies, Bonkano Maifada, Intarou Hassane, and Raja Chaibou, who were also allegedly involved in the scandal. The HCJ denied provisional release for civil servants arrested in the case, and they remained in jail at year's end.

In July 2006 the government dismissed 19 teachers for fraud, forgery, and influence peddling in connection with school exams. On December 26, the Supreme Court ruled that 10 of the teachers should be reinstated, but rejected the complaints of nine of the teachers.

There were no further developments in the August 2006 case of three school principals and two teachers charged with committing fraud in connection with school exams.

On February 16, Almoustapha Soumaila, the country's former Francophone Games director general, was granted provisional release in relation to corruption charges. The case was still pending at year's end.

There were no further developments in the case of Ministry of Finance Deputy Director Cheffou Aboubacar, who was arrested for fraud in 2005.

The National Commission on Corruption's ability to investigate corruption remained limited.

There were no laws that provided for public access to government information; however, many documents could be obtained from individual ministries and the National Archives. The government granted access to government information to both citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but insecurity and travel restrictions in the north limited the ability of human rights groups to investigate human rights violations.

In April the government ordered the World Food Program and several international NGOs to stop food for work programs. The government expressed a preference for cash for work programs, and stated that food for work activities were inappropriate as the country had had two successive good harvests. Humanitarian organizations contended that food for work activities were already planned and that some food was already in the country. The ban remained in effect at year's end.

The government-established National Commission on Human Rights and Fundamental Liberties operated without government interference; however, it lacked resources, was generally considered ineffective, and issued few reports or recommendations. During 2007 new commission elections were held but controversy over the selection process continued, with representatives of two human rights associations contesting each other's participation. The government attempted to mediate the controversy, but one of the groups requested the Supreme Court's arbitration, while representatives of the second group had assumed seats on the commission.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status and the government generally effectively enforced these prohibitions.

##### Women

Rape is punishable by 10 to 30 years' imprisonment, depending upon the circumstances and age of the victim. The law does not explicitly recognize spousal rape but appears to cover it in practice. Authorities made efforts to enforce the law. In many cases spousal rape did not lead to prosecution, as victims often sought to resolve the issue within the family, or were pressured to do so. Reliable statistics on the prevalence of rape were not available.

Domestic violence against women was widespread, although reliable statistics were not available. Husbands commonly beat their wives. The law does not explicitly prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which ranged from two months in prison and a \$22 (10,000 CFAF) fine to 30 years' imprisonment. The government tried with limited success to enforce these laws. No data were available on how many abusers were prosecuted or convicted during the year. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system and fear of repudiation or social stigma.

According to the UN Children's Fund (UNICEF), 429 cases of violence against women were reported from October 2006 through September 2007. Battery represented 44.9 percent of the cases, indecent assault 17.6 percent, and rape or attempted rape 16.4 percent.

Prostitution is illegal, but remained prevalent in big cities and near major mining and military sites.

Sexual harassment is a crime punishable by prison sentences from three to six months and fines from \$22 to \$223 (10,000 to 100,000 CFAF). If the violator is in a position of authority, the prison sentence is from three months to one year, and the fine is increased to \$45 to \$446 (20,000 to 200,000 CFAF).

The constitution provides for equal rights regardless of sex; however, women do not have the same rights as men under family law. Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households.

Traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the formal sector work force, only 26 percent of civil service workers and 22 percent of professionals were female in 2006. In the absence of a formal will stating otherwise, women received only one-third of a deceased parent's property. In the east there were reports that some husbands cloistered wives and prevented them from leaving their homes unless escorted by a male relative and usually only after dark.

National service, which lasted from 18 months to two years, was mandatory for all young men and women who completed university studies or professional training. Men were required to serve at least part of their national service in the military, while women could fulfill their obligation through either military service or by serving as teachers, health service workers, or technical specialists.

#### Children

The constitution and law require that the government promote children's welfare; however, financial resources for this purpose were extremely limited.

In principle education was compulsory, free, and universal for a minimum period of six years, although only a fraction of children attended school. The government estimated that the gross national primary school enrollment rate was 52 percent in 2006, while the net primary school enrollment rate was 41 percent; 60 percent of those who finished primary school were boys. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years. This resulted in estimated literacy rates of 15 percent for girls and 42.9 percent for boys, according to a 2006 UN Development Program report. Literacy rates, particularly for girls, were even lower in rural areas.

Boys and girls had equal access to state-provided medical care.

Certain ethnic groups practiced FGM, predominantly the Fulani and Zarma in the western region of the country. According to UNICEF, the FGM rate decreased from 5 percent in 1998 to 2.2 percent in 2006. FGM was practiced on young girls, and clitoridectomy was the most common form. FGM is against the law, and punishable by six months to three years in prison. If an FGM victim dies, the practitioner can be sentenced from 10 to 20 years' imprisonment. The government actively combated FGM. The government continued its close collaboration with local NGOs, community leaders, UNICEF, and other donors to distribute educational materials at health centers and participated in educational events.

Child marriage was a problem, especially in rural areas and in traditional communities. The law allows a girl deemed to be "sufficiently mature" to marry as young as 15. Some families entered into marriage agreements under which young girls from rural areas were 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. The Ministry of Women's Promotion and Child Protection cooperated with women's associations to sensitize rural communities and their traditional chiefs and religious leaders to the problem of underage marriage.

Infanticide occurred, and approximately 60 percent of the female prison population was charged with the crime.

There were many displaced children, mostly boys, begging on the streets of the larger cities. Most of these boys came from rural areas and were indentured to Islamic schools. The government developed a plan to restructure Islamic schools, including improving teacher payment as a means to address problems such as child begging and trafficking by some teachers.

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a law that criminalizes slavery and coerced labor; punishments ranged from 10 to 30 years' imprisonment. Child prostitution is not criminalized specifically; however, the law prohibits indecent acts toward minors. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by three to five years in prison.

A 2005 NGO survey found that 5.8 percent of households interviewed claimed that at least one member of their home had been a trafficking victim.

A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities.

The country was a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country was a destination for a small number of trafficked persons. Female victims trafficked into the country worked as domestic servants and prostitutes. Young boys from neighboring countries were trafficked into the country to work in mines, on farms, as mechanics, or as welders. The

country was a source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation.

Child trafficking also occurred within the country.

Young girls were trafficked from rural to urban areas for domestic service and prostitution. Some girls were forced or falsely enticed into prostitution, sometimes with their family's complicity. Child prostitution was especially prevalent along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder.

There was internal trafficking of boys. Some rural parents sent their sons to learn the Koran in the cities, where the boys worked for their teachers (marabouts) as beggars or provided manual labor. Boys were also trafficked to Mali and Nigeria for this purpose.

Children were also internally trafficked for work in mines.

Trafficking in persons generally was conducted by small operators who falsely promised well-paid employment in the country. Victims usually had to perform poorly paid domestic work or prostitution upon arrival, and had to pay off a debt to the trafficker. Traffickers had victims sign agreements before departing their country of origin, and retained the victims' travel documents. Similar methods were used to traffic victims from Niger to other countries.

The ministries of justice, interior, and the promotion of women and protection of children shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons existed on paper but had no budget.

Local authorities assisted UNICEF and a local NGO partner to identify and rehabilitate child victims of trafficking in the Agadez and Niamey regions. Police and prosecutors arrested and prosecuted traffickers identified by the project, and ensured that rescued victims were handed over to a local NGO for rehabilitation. During the year 125 child trafficking victims were rescued and rehabilitated in the city of Agadez. There were 18 traffickers arrested in these cases. Of these, 15 were released without charge and three were charged with the abduction of minors. During the year 11 trafficked children were also rescued and rehabilitated in Niamey.

On April 12, the lower court of Dogondoutchi sentenced a woman to two years' imprisonment for abducting her six-year-old nephew to sell him in a neighboring country.

The government provided some services directly to trafficking victims, including basic health care and assistance in returning to their home villages. The government also supported the efforts of NGOs and international organizations in providing food, temporary shelter, and primary health care to victims of trafficking, and sponsored public outreach sessions on trafficking and child abuse.

There were no further developments on the case of two traffickers who have been in custody since 2006.

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other state services, and the government generally enforced these provisions. The law mandates that the state provide for persons with disabilities, but there were no specific regulations that mandated accessibility to buildings, transportation, and education for those with special needs. Limited government health care benefits were available to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population and Social Welfare was responsible for protecting the rights of persons with disabilities.

#### Other Societal Abuses and Discrimination

Persons with HIV/AIDS experienced social discrimination. There were strong government efforts to discourage such discrimination. This included the April 26 launch of an antidiscrimination campaign in conjunction with several other organizations working on HIV/AIDS issues.

Homosexuals experienced social discrimination.

#### Section 6 Worker Rights

##### a. The Right of Association

The constitution and law allow all workers to form and join trade unions without previous authorization or excessive requirements, and workers exercised this right. However, in 2006 more than 85 percent of the workforce was employed in the nonunionized subsistence agricultural and small trading sectors.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and unions exercised their right to bargain collectively for wages above the legal minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. The law provides for the right to strike, except for the police and other security forces, and workers exercised this right.

In December 2006 the Liptako Mining Company fired 106 union members for striking. The fired workers took their case to court, and a hearing was pending at year's end.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except for legally convicted prisoners, and prohibits slavery; however, it does not specifically prohibit forced or compulsory labor by children, and such practices occurred. A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities, particularly in remote northern and western regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the traditional social structure. Estimates regarding the number of persons who work under such conditions vary widely, and include a 2004 estimate of 8,800 and a 2003 estimate of 43,000. Under this system persons are forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or as domestic servants. Children become the property of their masters and can be passed from one slave owner to another as gifts or as part of a dowry. Girls are forced to start work as domestic servants at a very young age. Girls may be sexually abused by men in the household or forced to marry at a young age.

The government publicly banned slavery in 2003, and during 2007 slaves continued to be liberated and given certificates to show that they were free. Individuals had the legal right to change their situations, and it was illegal for their masters to retain them; however, in practice, most victims of slavery did not act on their rights. Fear and physical or social coercion likely played roles, although a lack of viable economic alternatives for freed slaves was also a factor.

The appeal regarding the July 2006 enslavement case Timidria and Haoulata Ibrahim vs. Seidimou Hiyar was still pending at year's end. There were no further developments in three other 2006 pending slavery cases.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The employment of children under age 14 is prohibited, except as authorized by decree; however, child labor was a problem. A 1967 labor decree also regulates child labor. Children under 12 are prohibited from working. Twelve- and 13-year-olds may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization as long as such work does not impede their schooling. Light work is defined as including some domestic work, fruit picking and sorting, and other light nonindustrial work. Those 14 to 18 years of age may work a maximum of four and one-half hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morality. The law requires employers to ensure minimum sanitary working conditions for children.

Inspectors of the Ministry of Labor are responsible for enforcing child labor laws; however, resource constraints limited their ability to do so, and there were no labor inspections during the year.

Children worked in the agricultural, commercial, handicraft, and domestic service sectors. The majority of rural children regularly worked with their families from an early age--helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers used them for work as beggars and for manual labor. Child labor also occurred in the largely unregulated gold mining sector, and also in trona (a mineral used as a source of sodium compounds), salt, and gypsum mines. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse.

Child trafficking, prostitution, forced labor, and traditional caste-based servitude or slavery occurred.

The Ministry of Labor continued working with UNICEF and the International Labor Organization's International Program on the Elimination of Child Labor (IPEC) to determine the extent of child labor. A 2006 UNICEF and government study found that 38 percent of children between ages five and 14 were economically active; 38 percent of children between the ages of five and nine, and 39 percent of children between the ages of 10 and 14 worked; 8 percent of child workers were not paid.

The Ministry of Labor and the Ministry of Basic Education and Literacy collaborated with Catholic Relief Services on a US Department of Labor-funded (USDOL) program to remove children from exploitative work situations, encourage school attendance, and provide vocational training for at-risk children and former child laborers. The government also worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Basic Education conducted training sessions to help educators meet the special needs of child laborers. The government cooperated with a USDOL-funded project that was implemented by IPEC to eliminate child labor in the mining sector.

On October 3, the Ministry of Labor's Child Labor Division and IPEC organized a workshop that established a child labor monitoring technical committee.

#### e. Acceptable Conditions of Work

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. As of December 2006 the lowest minimum wage was \$63 (28,000 CFAF) per month, with an additional \$2 (1,000 CFAF) added per month per child. The Ministry of Labor effectively enforced minimum wage in the regulated formal sector.

The formal sector legal workweek was 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. Premium pay must be paid for overtime, although the rate is not set by law; employees of each enterprise or government agency negotiate with their employer to set the rate. These formal sector standards were effectively enforced.

The labor code establishes occupational safety and health standards. The Ministry of Labor is charged with enforcing these standards, although due to staff shortages inspectors focused on safety violations only in the most dangerous industries: mining, building, and manufacturing. The standards were effectively enforced within those three industries, except that gold mining was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were 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.

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