



2008 Human Rights Report: Niger

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Niger is a multiparty republic that restored its multiparty system in 1999 following coups in 1996 and 1999; it has a population estimated at 14.8 million. In 2004 voters elected Mamadou Tandja 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 2007 the Tuareg rebel group Niger Movement for Justice (MNJ) launched a series of attacks against military and strategic installations in the north. The frequency and intensity of attacks diminished at the end of 2008, but the government did not lift the state of alert declared in August 2007. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Government respect for human rights did not improve from the previous 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. Official impunity was a problem.

The MNJ committed arbitrary killings and other abuses.

RESPECT FOR HUMAN RIGHTS

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

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 developments in the 2004 killing of local political leader Adam Amangue. On July 14, the Court of Appeals sentenced former minister and Tuareg political figure Rhissa Ag Boula to death in absentia for ordering the killing. Of the four individuals who remained in prison on charges related to the killing, the court dismissed charges against one and sentenced three to 20 years' imprisonment and fined them a total of 20 million CFA (approximately \$40,000) in damages.

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

Bandits continued to set up roadblocks along highways to attack, rob, and kill persons. For example, on March 12, armed bandits attacked a vehicle transporting goods between Agadez and Arlit, killing one person.

There were no further developments in the 2006 attack on a cigarette convoy in the northern region.

Disputes between herders and farmers over land rights and grazing areas continued and resulted in several deaths. There were no further developments regarding the January 2007 dispute in Zinder Region that resulted in four deaths, or the July 2007 clash that left seven dead and seven injured in Tillabery Region. On February 8, in the town of Konni, south-central Niger, a clash between herders and private vigilante groups resulted in the death of one person.

On September 25, 12 villagers died as a result of community clashes over livestock theft in Chiwilli, Tillabery Region. Regional and local authorities visited the village to restore peace. The case was under investigation at year's end.

b. Disappearance

There were no reports of politically motivated disappearances; however, on December 14, the UN Secretary General's Special Envoy for Niger, former Canadian Ambassador Robert Fowler, and his Special Assistant Louis Guay and their driver, disappeared. Security officials recovered their vehicle and personal effects. While government and security officials continued investigations, the victims remained missing at year's end.

There were reports also of disappearances during the year in connection with the conflict in the north. (See section 1.g.)

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

The constitution and law prohibit such practices; however, there were reports that security forces and the MNJ beat and reportedly tortured civilians in connection with the conflict in the north. 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 718 prisoners in a facility built for 350. 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 continued. Officials demanded bribes to let prisoners leave prison for the day and serve their sentences in the evenings or serve their sentences in the national hospital in Niamey.

Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), the National Human Rights and Fundamental Liberties Commission, the Collective of Human Rights and Democracy Association, and media

representatives were granted unrestricted access to prisons and detention centers and conducted visits during the year. ICRC visits were in accordance with its standard modalities.

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, are responsible for internal and external security. The gendarmerie, also under the Defense Ministry, has primary responsibility for rural security. The national forces for intervention and security, under the Interior Ministry, are responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, are 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. Citizens complained that security forces did not adequately police border regions and remote rural areas. Corruption remained an ongoing problem. The gendarmerie is responsible for investigation of police abuse; however, impunity was a widespread problem.

Arrest and Detention

The constitution and law require a warrant for an arrest, and this generally was observed in practice in areas outside the north. Judges and prosecutors weigh evidence and issue warrants accordingly. Persons are brought before an independent judiciary. However, there were reports that several persons were detained arbitrarily under the state of alert. The law allows individuals to be detained initially for up to 48 hours without charge, and allows an additional 48 hour detention period if police need more time to gather evidence. Detainees have a right to prompt judicial determination, and this generally occurred in practice. Security forces usually informed detainees of the charges against them promptly; however, detainees involved with sensitive cases were sometimes held longer than legally permitted. There is a functioning bail system for crimes carrying a penalty of fewer than 10 years' imprisonment. Those arrested must be notified of their right to a lawyer within 24 hours. Indigents are provided a lawyer by the government. 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 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; however, some persons waited as long as six years to be tried. At year's end, 70 percent of the prisoners in Niamey's civil prison were awaiting trial. Trial delays occurred due to factors such as lengthy legal procedures, inadequate resources, staff shortages, and corruption.

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 application of the law and constitutional questions. The High Court of Justice (HCJ) deals with cases involving senior government officials. The justice system also includes 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.

Under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate in many 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.

Customary courts, based largely on Islamic law and local tradition, are located only in large towns and cities and try civil law cases. A legal practitioner with basic legal training, advised by an assessor knowledgeable in the society's traditions, heads these courts. The judicial actions of chiefs and customary courts are not regulated by formal law, and defendants can appeal a verdict in the formal court system.

Trial Procedures

The law affirms the presumption of innocence. Trials were public, and juries are 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. Those arrested must be notified of their right to a lawyer within 24 hours of detention. Indigents are provided a lawyer by the government. 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 and 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.

Women do not have equal legal status with men in customary courts and traditional mediation, and do not enjoy the same access to legal redress.

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.

On January 16, police searched the house of Kambeidou Salamatou Coulibaly, a member of a predominantly Tuareg political party, without a warrant. The police stated the search was part of an investigation following a landmine explosion in Niamey the week before.

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

In February 2007 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 the government had not honored provisions of the 1995 peace accord that ended a five-year Tuareg rebellion. The government stated it had fulfilled most of the peace accord provisions. In response to the attacks, the government sent at least 4,000 troops to the region, where they continued to operate at year's end under special powers the president granted under the state of alert declared in August 2007. The state of alert allowed the government to arrest and detain persons without charge indefinitely, restrict freedom of movement, and ban live broadcasts about the government's policy in the north.

Killings

Fighting between government and rebel forces resulted in the deaths of dozens of civilians during the year. For example, on January 21, one civilian died during an MNJ attack in Tanout.

Soldiers killed suspected informants and rebel collaborators. There were reports that the army killed at least eight civilians in the north between March 19 and March 26.

The government's investigation into the army's December 2007 killing of six civilians and an off-duty police officer near Tiguidit was ongoing at year's end. The victims' families also lodged a complaint and the case was pending before the Tribunal of Niamey at year's end. The Ministry of National Defense had referred the results of its collection of evidence and information to the Ministry of Justice for legal analysis and investigation by year's end.

During the year landmines killed dozens and wounded about 120, including civilians, according to the government and international monitors. The government and the MNJ accused each other of laying the landmines.

For example, on January 8, a landmine exploded and killed one civilian in Niamey; on August 24, a landmine accidentally killed one civilian and injured several persons during an arms lay down ceremony in Goure, Zinder; and on August 29, a landmine accidentally exploded and killed the occupants of a vehicle transporting a stockpile of weapons found abandoned near the border with Chad.

Abductions

On April 3, international human rights organization Amnesty International urged the government to order the security forces to stop extrajudicial executions and forced disappearances of civilians in the north.

Local human rights organizations and media published a list of at least 50 individuals held in detention centers in various localities from 2007 to year's end. However, the government had not released the names of many of those held or the charges against them in these conflict-related cases.

For example, in January police arrested two army corporals, two former military officers, and one taxi driver in Niamey, reportedly for attempting to join the MNJ. On April 3, the gendarmerie arrested Abdoulaye Amadou, Director General of Public Security, suspected of collaborating with the MNJ; it released him on June 11 and officials removed him from office. On April 7, security forces arrested Colonel Soumana Gouro, a military attache, for allegedly making public comments "tarnishing his country's image," and released him a month later. On April 30, local authorities in Agadez arrested Catherine Dubois, a French citizen and head of local non-governmental organization (NGO) Nomad's Land, on charges of conspiracy against state security for alleged links with the MNJ. The Court of Appeals of Zinder granted her provisional release on August 8, which allowed her to return to her country. On May 14, the gendarmerie temporarily detained human rights activist Corinne Lee Dufka.

In June the army released Aziz Amayagy, the international NGO Africare employee it had detained in August 2007 in Agadez.

There were several cases of abduction by MNJ forces. On January 21, the MNJ kidnapped the prefet (prefect) of Tanout during a raid; they released him to the ICRC with 24 other hostages on March 9. On January 25, the MNJ abducted four civilians at Titirtagatt, in the District of Arlit, but released them shortly thereafter. On May 15, the MNJ abducted the vice president of the government's National Commission for Human Rights and Fundamental Liberties and his nephew in Tanout, Zinder Region; on May 24, the MNJ released them to the custody of the ICRC. On June 22, the MNJ kidnapped three French citizens; they turned them over to the ICRC on June 27.

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. Security forces held some individuals incommunicado.

Alleged MNJ rebels stopped transport vehicles, beat passengers, and stole their valuables.

Child Soldiers

Unlike the previous year, there were no reports of children being used in conflicts.

Other Conflict-Related Abuses

Reports indicated that approximately 23,000 persons living north of the city of Agadez remained inaccessible due to the conflict. The 23,000 represent the estimated rural population (not only internally displaced persons) in the conflict zone. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 10,000 persons were displaced. Humanitarian organizations had difficulties providing assistance to the north due to landmines and a lack of security. Food shortages and fighting between MNJ and government troops displaced civilians from late 2007 through the early months of the year. About 4,500 persons from Ifrouane left in late 2007, and the mayor's office was transferred to Arlit. The Ifrouane mayor stated in February that Ifrouane schools were also shutting down. UN agencies reported that thousands of students pulled out of school during the year and that there were an estimated 700 displaced children under six years old in the communes of Tchirozerine, Arlit, and

Agadez. Residents of several other towns north of Agadez were also displaced.

Section 2 Respect for Civil Liberties, Including:

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 journalists' travel and their reporting on the conflict. (See section 1.g.)

Individuals generally could criticize the government publicly or privately without reprisal; however, the government attempted to impede criticism.

The government published a daily newspaper. There were approximately 45 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. There were 15 private radio stations; eight were locally-owned and featured news in local languages. Private radio stations were generally less critical of the government than private newspapers.

The two government-owned television stations broadcast in French and the major national languages. Three private television stations broadcast local and foreign programming, and also began a daily newscast. A fourth private channel broadcast religious programming. International channels were available in Niamey.

International media were not allowed to operate freely. The government did not allow them to cover events freely in the north. (See section 1.g.) 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. Security forces also arrested journalists under libel laws for reporting on other subjects.

The government suspended or closed several private media outlets during the year. One radio station--Sahara FM--remained closed at year's end. Government officials continued to use criminal libel laws and the media regulatory body to intimidate critics.

On February 5, the Tribunal of Niamey sentenced Idrissa Soumana Maiga, director of private newspaper L'Enqueteur, and his editor, Ibrahim Souley, to one month's imprisonment and a fine of 40,000 CFA (\$80) each, following the Minister of Finance's complaint of defamation. The charges resulted from the publication in November 2007 of an article accusing the minister of corruption and cronyism. The state prosecutor appealed; the two journalists remained free pending the decision of the Court of Appeals.

On February 26, officials sentenced Aboubacar Gourouza, director of publication for private weekly L'Eveil Plus, to a one-month prison term for "discrediting Niger's justice system." The charges resulted from his publication of an article critical of the provisional release of a Nigerien municipal official, previously arrested for corruption. Officials released Gourouza on March 27.

On March 12, the High Council of Communication (CSC) suspended broadcasts by Radio France International (RFI) FM in Niger for three months in reaction to a day-long program in support of jailed RFI affiliate director Moussa

Kaka, which was broadcast on March 10. According to the CSC, RFI "discredited national institutions" and refused to allow Nigerien authorities to comment on air during the program.

On April 22, the CSC ordered the closure of Sahara FM, a private radio station in Agadez, for an indefinite period for broadcasting interviews with alleged victims of abuse by government troops. The station remained closed at year's end.

On June 28, the CSC warned privately-owned TV/radio outlet Dounia, demanded that it self-censor its reporting, and threatened to revoke its license if it broadcast footage or announcements that could "provoke instability." The CSC action resulted from Dounia's coverage of police suppression of protests in support of jailed ex-prime minister Hama Amadou. Dounia announced on air that it had received this letter, which led other media outlets, civil society associations, and NGOs to complain about government interference and intimidation of the media. The CSC sent a separate letter to each of the country's television and radio stations, warning them of possible legal sanctions for similar reporting. On August 19, the CSC ordered Dounia to suspend its broadcasts for one month for "failure to respect the terms of reference." The order did not elaborate on the event which triggered the suspension, and CSC leadership refused to provide further information in response to inquiries by Dounia's management. Dounia resumed radio and television broadcasts on September 18.

On June 30, the Ministry of Communication closed Niger's Maison de la Presse, a professional media center located on the ministry compound in Niamey. According to a press release from the minister of communication, the Maison de la Presse had become "hostage to some interest groups with hidden goals." The members of the Maison de la Presse condemned the closure of the media center and, on September 27, opened a new media center in a privately owned location.

On July 30, police arrested Moussa Aksar, the director of publication of private newspaper L'Evenement. Officials accused Aksar of "propagation of false news" for reporting on the police discovery of arms in Niamey. The report tied ownership of the weapons cache to a Nigerien army officer. On August 1, authorities released Aksar from jail after charging him with "divulging a defense secret." On November 11, security forces again arrested Aksar and his assistant Sani Aboubacar following a complaint by Ibrahim Foukori, director of power company NIGELEC, regarding an article that was critical of Foukori. Authorities released the two journalists on November 19 following a court ruling that sentenced them to three months' suspended prison sentence. The two journalists appealed the decision. No trial date was set by year's end.

On August 26, Abdoulaye Tiemogo, managing editor of Le Canard Dechaine, a privately owned Niamey-based newspaper, fled to Mali, alleging his life was in danger for publishing accounts critical of the president. Tiemogo claimed that police mounted a search in Niamey to arrest him and that an anonymous group had threatened to kill him. He remained outside the country at year's end.

On September 4, the minister of communications threatened to dissolve all professional media organizations in the country after several fruitless attempts to force journalists to amend Maison de la Presse by-laws to include representatives from the government and the CSC. The Minister did not carry out the threat.

On October 29, security forces arrested journalist and director of independent weekly Opinions, Alzouma Zakari, after a complaint filed by Minister of the Interior Albade Abouba in reaction to a recently published article. On November 11, the court sentenced him to three months' imprisonment and fined him 100,000 CFA (approximately \$200); his sentence was suspended and he was released.

On February 12, the Niamey Court of Appeals reversed a lower court ruling barring consideration of alleged wiretap evidence against journalist Moussa Kaka, in jail since September 2007; the court reassigned his case to another

judge. Kaka continued to be held through a series of appeals by the state prosecutor that contested official decisions to grant Kaka provisional release and dismiss the charges against him. On September 16, state prosecutors requested that the court revise the charges against Kaka from conspiracy against national security to acts aiming to undermine national defense. On October 7, the court affirmed the new charges against Kaka but granted him immediate, provisional release pending trial. While the government contended that the case was not related to his work as a journalist, the case has received worldwide attention--especially from international media watchdogs--as a press freedom issue.

On February 6, the Court of Appeals of Zinder granted provisional release to Air Info newspaper director Ibrahim Manzo Diallo, arrested in October 2007. The court had not set a trial date at year's end.

On January 18, the Tribunal of Niamey granted provisional release to two French journalists arrested in December 2007 on bail of 10 million CFA (approximately \$20,000) each, but had not set a trial date by year's end.

In August 2007 the government banned all live private broadcasts of debates on the conflict in the north. This ban continued at year's end. 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 continued to call on journalists to self-censor their reporting in the interest of "national unity" and patriotism.

Internet Freedom

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

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 under tense social conditions or if 48-hour advance notice was not provided.

On June 26, police used tear gas to disperse a crowd of supporters that attempted to prevent a police convoy from transporting former prime minister and MNSD ruling party leader Hama Amadou following a HCJ investigative commission's decision to put him under preventive detention. Nine persons suffered minor injuries. On October 25, local authorities banned a meeting and protest planned by MNSD supporters to demand Hama's release.

On December 30, the mayor of Zinder banned a protest aimed at responding peacefully to various authorized demonstrations calling for an extension of the incumbent president's term. The mayor stated that protest organizers did not comply with the advance notice requirement. They promptly submitted another request within the legal time frame, but the mayor again banned the protest citing public order concerns. There were no further developments in this case.

On January 23, the tribunal of Niamey granted provisional release to University of Niamey Nigerien Students Union leaders Ibrahim Diori and Hama Hamadou, who had been arrested in March 2007.

Freedom of Association

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

During the year the government ordered various NGOs and associations to suspend their activities. (See section 4.)

On January 30, the governor of Zinder Region, citing current security concerns, banned all regional and ethnic associations. Civil society representatives saw the decision as a violation of the constitution and said they would challenge it in court. At year's end there were no reports that Zinder authorities had enforced this decision or that civil society groups had taken legal action against it.

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.

Government-controlled media broadcast Christian programs 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. Registration is a formality, and there was no evidence that the government favored one religious group over another or that it ever had refused to register a religious organization. Approval is based on submission of required legal documents and the vetting of organization leaders.

The government monitors religious expression it views as potentially threatening to public order or national unity.

Societal Abuses and Discrimination

There were no reports of violence, harassment, or discrimination against members of religious groups during the year.

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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, the government continued to restrict freedom of movement in the north. (See section 1.g.)

Throughout the country security forces at checkpoints monitored the movement of persons and goods, particularly near major population centers. Security forces sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. 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. However, on August 26, journalist Abdoulaye Tiemogo fled into self-imposed exile alleging his life was in danger. (See section 2.a.)

Internally Displaced Persons (IDPs)

The conflict in the north displaced many persons. (See section 1.g.)

The government and humanitarian organizations provided food for IDPs. In March the World Food Program (WFP) sent more than 550 metric tons of food to the northern communes. The WFP expected to deliver an additional 992 tons of foodstuffs intended for 53,000 persons. Agadez authorities stated they allowed many displaced parents from Ifrouane and Tchintelous who settled in Agadez or Arlit to register their children in public schools. Authorities assigned teachers to the schools and supplied those that had canteens.

Protection of Refugees

The law does not provide for granting 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. In practice the government did not routinely grant refugee status or asylum but provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government also provided temporary protection to approximately 342 individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and 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 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 2004 voters elected Mamadou Tandja 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. Irregularities included difficulties in voter card distribution, ballots and other electoral materials lost or damaged during transportation to polling places, late opening of polling stations, "proxy ballots" and "witnessed votes," lack of security guards in rural polling stations, and other issues. 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. In May 2007 a National Assembly vote of no confidence related to allegations of his involvement in a corruption scandal forced Prime Minister Hama Amadou and his cabinet to resign. The president appointed Seini Oumarou prime minister, who formed a new cabinet.

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

The societal practice of husbands voting their wives' proxy ballots diminished considerably and 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 fill 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, reported to be half Fulani and half Kanouri, is the country's first president who is not from either the Hausa or Zarma ethnic groups, which make up 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 reflected that corruption was a severe problem. The government publicly acknowledged that corruption was a problem.

Civil servants sometimes demanded bribes to circumvent bureaucratic obstacles. Corruption was compounded by a poorly financed and trained law enforcement system and weak administrative controls. Other underlying causes 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 January 17, the government established an intersectoral committee on corruption charged with "examining and approving general and annual action plans for actions to be carried out in line with support for the fight against corruption." During the installation ceremony the minister of justice emphasized that the president had given firm instructions to the Ministry of Justice to fight "without mercy" any diversion of public funds, and that persons involved in corruption of any degree would be punished. On various occasions during the year the president reiterated that the "clean hands operation" (crackdown on corruption) would continue.

Law enforcement officials received more resources to carry out their jobs. Officials in the justice system showed more diligence in investigating, prosecuting, and punishing high-profile corruption cases. The HCJ resumed the investigation of the Ministry of Education and Literacy (MEBA) corruption case. The government requested a National Assembly session to waive the immunity of three parliamentarians to appear in court in connection with the MEBA case. The national commission to develop strategies to combat corruption submitted its report and the government was drafting legislation at year's end to establish a national agency for the fight against corruption.

In March security forces in Zinder detained all three district mayors of the city of Maradi for purported involvement in corruption. On April 9, the Court of Appeals of Zinder granted them provisional release after they paid sums equal to the funds they were accused of having misappropriated. A date for their trial was not set at year's end.

On April 29, security forces detained in the Tillabery prison the mayors of Falmey, Ngonga, and Dosso--communities in Tillabery Region--on mismanagement and corruption charges. On June 3, officials granted them provisional release after three months' imprisonment. A date for their trial was not set by year's end.

In May the minister of interior by letter and the president in a speech said all mayors who are facing corruption charges should be suspended.

On May 21, security forces arrested and detained in the Niamey prison the mayors of Sokorbe and Loga in Dosso Region on charges of embezzlement. No date was set for their trial by year's end.

On June 11, officials suspended the mayor of Niamey Commune II, Seyni Mounkaila, for embezzlement of 125 million CFA (approximately \$250,000). The case was under investigation at year's end.

On June 24, the National Assembly passed a resolution requesting that the HCJ indict former prime minister Hama Amadou on charges that he misused funds meant to support the private press. On June 26, the HCJ ordered his detention at the maximum security Koutoukale prison. He remained in prison while investigations continued at year's end.

On November 5, the Supreme Court indicted and ordered the arrest of former justice minister Maty Elhadji Moussa on charges of illicit enrichment and fraud. At year's end Moussa was under preventive detention at Kollo prison pending further investigation and trial.

There were no further developments in the corruption case involving the president of the Niamey City Council, Aboubacar Seydou Ganda, and five of his senior staff members arrested in November 2007. In December the Niamey District Court granted Ganda provisional release to seek medical attention outside Niger. The 12 businessmen involved in this case remained in prison at year's end.

On February 18, security forces rearrested and incarcerated Idi Malle, president of the Maradi City Council, in the Maradi prison. In December 2007 security forces had arrested and detained him for misuse of public funds. Officials released him on bail a week later after he paid back 40 million CFA (approximately \$80,000).

There were no further developments in the MEBA corruption case reopened in December 2007 and subsequently postponed.

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

The National Commission on Corruption's ability to investigate corruption remained limited. It was an interim commission tasked to study the magnitude of corruption and to determine strategies to combat it. The commission also did not have adequate resources to carry out its work fully.

Articles 40 and 63 of the constitution require the president and cabinet members to submit written statements of their personal property and assets before the Constitutional Court upon assuming office. These statements are subject to annual updates and at the end of their term. Initial statements and updates are published in the National Register and via the press. A copy of the statements is forwarded to fiscal services. Any discrepancy between the initial and the updated statements must be justified. The Constitutional Court has authority to assess such matters.

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. However, during the year, the government

ordered three humanitarian NGOs to suspend their activities. 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.

On July 10, police, acting on the orders of the minister of health, forcibly closed a women's fistula care center managed by Dimol, a local NGO. The government ordered the NGO to suspend all activities and evacuate the center funded by foreign donors on land provided by the government. While Dimol's donors and beneficiaries praised the project's management, the government accused the NGO of mismanagement, unsatisfactory performance, and failure to comply with the Ministry of Health's policy on fistula care and social reintegration.

On July 18, the government ordered the French NGO Medecins Sans Frontieres (MSF) to suspend aid activities in the region of Maradi. The minister of health accused MSF of not complying with national and international health protocols, showing a "propagandistic attitude contrary to medical ethics," and "providing false figures on the children who were victims of malnutrition with a view to raising lots of money from donors." After various failed attempts to convince the government to reconsider its decision, MSF France terminated its program in Niger on October 30.

On August 26, local authorities ordered the French NGO Action Contre la Faim (ACF) to suspend its activities in the region of Tahoua. However, they rescinded this decision a few days later.

In April 2007 the government ordered WFP and several international NGOs to stop food-for-work programs. During the year the government allowed international NGOs to monetize their food stocks in order to conduct cash-for-work programs.

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. On September 4, with the completion of the commission members' term, commission members elected a new president and new members without dispute.

On August 18, the government established a mediator of the republic. The mediator's role is to solve difficulties in the implementation and interpretation of laws and regulations. The president appoints the mediator, who is an independent administrative authority charged with investigating citizens' complaints and trying to find amicable solutions. The mediator has no decision-making powers, however, and instead submits results of investigations to the president and the prime minister.

There were developments in the 2005 case regarding the beating of civil society activist Nouhou Arzika by the bodyguards of Moussa Dan Foulani. On August 15, the Niamey District Court sentenced Dan Foulani to six months' suspended sentence and ordered him to pay a fine of 200,000 CFA (approximately \$400) and 50 million CFA (\$100,000) in damages to the plaintiff. The defendant appealed the fine, and the plaintiffs appealed the whole judgment. No date was set for a trial.

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. Although statistics were not available, the Court of Appeals tried several criminal rape cases during the year. However, 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. Absent reliable statistics on its prevalence, the number of reported rape cases was minimal.

Domestic violence against women was widespread, although reliable statistics were also 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 10,000 CFA (approximately \$20) 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. The Ministry of Women's Promotion and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women through several events that received wide media coverage. Courts prosecuted cases of domestic violence when they received complaints.

According to the UN Children's Fund (UNICEF), 429 cases of violence against women were reported from October 2006 through September 2007, although this figure is thought to understate greatly the actual prevalence. 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 of 10,000 to 100,000 CFA (approximately \$20 to \$200). If the violator is in a position of authority, the prison sentence is three months to one year, and the fine is increased to 20,000 to 200,000 CFA (\$40 to \$400).

The constitution provides for equal rights regardless of sex; however, women do not have the same rights as men under family law in customary courts. Legal rights as head of household applied only to men; a divorced or widowed woman, even with children, was not considered to be a head 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 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.

In the civil service and the formal sector there was no indication that women experienced discrimination in access to employment or pay for similar work.

During an October 10 interview, the minister of women's promotion and children's protection outlined the ministry's commitment to promoting women's entrepreneurship through access to credit and microcredit, public education on

gender issues, and women's political participation. The government, in conjunction with foreign donors and women's organizations, approved the establishment of a special bank for the promotion of women's businesses; the government also allowed the creation of several credit unions for women.

Children

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

The government continued its multifaceted public education campaign on children's rights. This included forced labor issues, efforts to improve girls' education, the dangers of child marriage, improvements in birth registration, and efforts to withdraw children from the labor force and reenroll them in schools and vocational training programs. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to a lack of awareness, remoteness of government services, or inadequate resources. The government, with the support of UNICEF, worked to address this problem.

In principle, education was compulsory, free, and universal for a minimum period of six years; however, in practice only a fraction of children attended school. The government estimated that the gross national primary school enrollment rate was 52 percent in 2006, and the net primary school enrollment rate was 41 percent; boys constituted 60 percent of those who finished primary school. UNICEF in 2007 estimated that only one-third of primary and only 6 percent of secondary-school-age girls were enrolled, and even fewer attended regularly. 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. The conflict in the north led thousands of children to avoid school and caused schools in the north to shut down. (See section 1.g.)

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. However, an October 17 UN IRIN report stated that circumcisers traveled from Burkina Faso to Niger to carry out FGM on nomad Gourmantche girls as part of a rising trend of cross-border FGM. 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 to 10-20 years' imprisonment. The government actively combated FGM, continuing 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 years old. Some families entered into marriage agreements under which girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husbands' families under the tutelage of their mothers-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 larger cities. Most of the boys came from rural areas and were indentured to Islamic schools. Hundreds of children were displaced in conjunction with the conflict in the north. (See section 1.g.)

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 10-30 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 family 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 source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation. The country was a destination for a small number of trafficked persons. Young boys from neighboring countries were trafficked into the country for labor exploitation.

Women and girls were trafficked into and within the country for domestic service and prostitution. 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. Traffickers also transported boys to Mali and Nigeria for this purpose. Traffickers transported children internally for work in mines.

Generally, small operators trafficked persons with false promises of 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. Traffickers used similar methods to transport victims from Niger to other countries. Traffickers within the country forced or falsely enticed some girls into prostitution, sometimes with their family's complicity.

The government prosecuted traffickers. During the year, law enforcement authorities arrested several traffickers in connection with the trafficking of at least 58 children. Of these, officials released two without charge, but charged the others with the abduction of minors, handing over one to Interpol Mali.

On March 20, RDM Tanafili, a local NGO, rescued and assisted six families of former slaves (40 persons) in purchasing land from their former masters in Tajae, Tahoua Region. The NGO was expected to sponsor the families for one year by providing them food, livestock to start a new life, and education for the children.

During the year 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 whom the project identified and ensured that rescued victims were handed over to a local NGO for rehabilitation. In October officials rescued 37 child trafficking victims; they were rehabilitated in the city of Agadez, including receipt of counseling and support to return home and start a business for older children, and return to their parents' custody for younger ones. However, the government released the suspected traffickers without charge.

On October 23, police in Gaya arrested a man when he could not prove his relationship to several children with whom he was traveling. The police handed over the children to the district of Gaya's Office of Women's Promotion and Children's Protection. During the same period, the office also handed over to the Benin border police 11 young

girls presumed to be victims of trafficking.

On December 19, a local NGO, acting with support from law enforcement authorities, apprehended a Malian marabout suspected of trafficking 11 children (seven Malians and four Nigeriens). At year's end the marabout was in detention, and the children were under the NGO's care, pending return to their families.

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.

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 in the case of three traffickers in custody since 2007 on charges of child trafficking in Agadez.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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. The government provides limited health care to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population and Social Welfare is responsible for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination

Homosexuals experienced social discrimination.

Persons with HIV/AIDS experienced social discrimination. There were strong government efforts to discourage such discrimination. The government continued its antidiscrimination campaign in conjunction with several other organizations working on HIV/AIDS issues.

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 worked in the nonunionized subsistence agricultural and small trading sectors.

The constitution and the law provide for the right to strike, except for the police and other security forces, and workers exercised this right. Requirements for conducting a legal strike are not lengthy or cumbersome; workers must give employers at least three days' advance notice.

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 working conditions. Collective bargaining also existed in the public sector. Antiunion discrimination and employer interference in union activities occurred occasionally. There were no further developments in the 2006 case of the dismissal of 106 Liptako Mining Company union members for striking.

There were 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. In general, the government did not adequately enforce the antislavery laws. 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. Abusers force girls 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.

In the 2006 enslavement case of Timidria and Haoulata Ibrahim vs. Seidimou Hiyar, the Court of Appeals of Niamey sentenced the defendant to two years' imprisonment (six months behind bars and 18 months suspended) and 100,000 CFA (approximately \$200) in damages. Although the defendant served his prison term, he had not paid the damages by year's end.

On October 27, in a landmark ruling in the case Timidria and Hadidjatou Mani Koraou vs. the Government of Niger, the Economic Community of West African States Court of Justice recognized that Mani Koraou had been a victim of slavery and held the government of Niger responsible for the inaction of its administrative and legal services, which failed to protect a woman sold into slavery. The court fined the Government of Niger 10 million CFA (approximately \$20,000) in damages for the victim. The government stated that it would abide by the ruling, and authorized payment of the 10 million CFA.

There were developments in the 2006 slavery case of Timidria and Assibit Wanagoda v. Tafane Abouzeidi and Timidria. On December 22, the Court of Appeals of Niamey held hearings on the case and planned to deliver its verdict on February 9, 2009.

There were no further developments in the 2006 slavery case of Midi Ajinalher v. Hamad Alamine and three

brothers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14, except as authorized by decree; however, child labor was a problem and the government did not effectively enforce the law. A 1967 labor decree also regulates child labor. Children under the age of 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 14-18 years of age may work a maximum of 4.5 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.

On June 12, Niger's unions and women's associations stated that 46 percent of school-age children were in difficult conditions, performing work beyond their physical abilities in mines, slaughterhouses, and domestic work.

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 largely unregulated artisanal gold mining operations, as well as 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. Young boys from neighboring countries were trafficked into the country to work in mines, on farms, as mechanics, or as welders.

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

The Ministry of Labor worked with UNICEF and the International Program on the Elimination of Child Labor (IPEC) of the International Labor Organization (ILO) 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 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 foreign government-funded project that was implemented by IPEC to eliminate child labor in the mining sector.

From 2005 to 2008, the government worked with a foreign government on a one billion CFA (approximately \$2 million) program on child labor education managed by three NGOs--Catholic Relief Services (CRS), Plan International, and World Vision. To meet the special needs of former child laborers and at-risk children, the Ministry of Basic Education and Literacy provided specially trained teachers, inspectors, and materials to schools for rescued child laborers. The project directly benefited 7,151 former child laborers, including hundreds withdrawn from artisanal mines. The project also benefited more than 84,288 other children by improving the quality of instruction

in the schools that they shared with former child workers.

The government supported a 2006-2009 foreign donor program with funds of 1.5 billion CFA (\$3 million) for the prevention and elimination of child labor in mining in West Africa, implemented by ILO/IPEC. The project was launched in 2006 and targeted approximately 4,000 children.

In January the Ministry of Labor, with support from the Association of Niger Christian Women and the ILO, launched a project to rescue street children in Niamey Commune V. On May 21, the minister of labor launched a vocational training program for 50 former street children (30 boys and 20 girls) rescued by the project. The training was scheduled to take place over 16 months. At the completion of the training, beneficiaries were expected to receive financial and material support to start their own small businesses.

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 2006 the lowest minimum wage was 28,000 CFA (approximately \$56) per month, with an additional 1,000 CFA (\$2) added per month per child. The Ministry of Labor effectively enforced minimum wages only 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 government effectively enforced the standards 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 did not receive information about the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.