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Niger

Country Reports on Human Rights Practices - [2005](#)

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Niger is a multiparty republic that returned to democracy in 1999 following coups in 1996 and 1999; it had a population of 11.3 million. In December 2004 Mamadou Tandja was elected to his 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 Socialist Convention (CDS) to win a majority of national assembly seats. The civilian authorities generally maintained effective control of the security forces.

The government improved its human rights record during the year; however, there were problems in some areas. Severe food shortages and nationwide protests over the January imposition of a higher value added tax (VAT) influenced the human rights situation. The following human rights problems were reported:

- poor prison conditions
- arbitrary arrest and detention
- prolonged pretrial detention
- executive interference in the judiciary
- restrictions on freedom of speech
- forcible dispersion of demonstrators
- societal discrimination and violence against women and persons with disabilities
- female genital mutilation (FGM)
- trafficking in persons
- child labor, including forced labor
- caste-based servitude

Government achievements during the year included aggressive efforts to curb official corruption, child labor, and child abuse. The government also joined a regional effort to eliminate child trafficking, culminating in the signing of a multilateral antitrafficking agreement with eight neighboring countries.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On March 4, the Niamey regional court granted provisional release to former tourism minister Rhissa Ag Boula, who had been charged with complicity in the January 2004 killing of local MNSD political party leader Adam Amenge. The release reportedly followed a statement of forgiveness from the victim's family. Of the 23 persons arrested in connection with the killing, 4 remained in prison at year's end.

On April 4, the court issued a 6-month suspended sentence and a \$57 (30 thousand CFA francs) fine to a police officer convicted of the 2003 killing of a customs officer. The court also ordered the government to pay \$18 thousand (10 million CFA francs) in damages to the victim's family. The customs union was appealing the verdict as insufficient at year's end.

Bandits set up roadblocks along southern highways and attacked and robbed persons during the year (see section 2.d.). On December 2, armed bandits killed a French tourist; two of the three suspects were arrested.

Disputes between herders and farmers over land tenure and grazing areas resulted in deaths during the year. On May 6, in Western Dosso Region, such a dispute resulted in 11 deaths and 12 injuries. Police arrested the alleged instigator of the violence, and his case was pending at year's end.

On June 3, in a village in Tillaberi Region, riots erupted over the sale of subsidized food; one person was killed and eight others were injured. Police detained three persons, one of whom remained in custody awaiting trial at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

In January the three gendarmes who were kidnapped by armed men in a 2004 bus attack were released.

Violence between Malian and Nigerien herders along the border between the two countries resulted in kidnappings.

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

The law prohibits such practices, and unlike in previous years, there were no reports that security forces beat and abused persons during the year.

Police forcibly dispersed demonstrations, which resulted in injuries (see section 2.b.).

During the year the appeals court of Niamey upheld the 2003 convictions of three paramilitary policemen convicted of using excessive force during an investigation in 2002.

No action was taken against security forces who arrested and beat a health worker for refusing medical treatment to the child of a Republican Guard.

The investigation into the 2004 abuse by security forces of civilians in Tesker was ongoing at year's end.

Unlike in the previous year, there were no reports that armed persons claiming to reconstitute the Air and Azawak Liberation Front attacked vehicles and passengers in the northern region of Agadez.

Disputes between herders and farmers over land tenure and grazing areas in Western Dosso Region resulted in deaths and injuries during the year (see section 1.a.). In February and March, violence between Malian and Nigerien herders along the border between the two countries resulted in kidnappings, beatings, and loss of livestock and property. Citizens of the region continued to complain of a lack of border policing by the government.

Prison and Detention Center Conditions

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's civil prison, there were approximately 650 prisoners in a facility built for 350; more than 455 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition 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.

Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and conducted visits during the year. In September the local NGO Association Against Torture and Arbitrary Detention visited several prisons in the Niamey area to assess detention conditions.

d. Arbitrary Arrest or Detention

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

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, was responsible for domestic security and the protection of high-level officials and government buildings; and the national police, also under the Interior Ministry, were responsible for urban law enforcement.

The police were ineffective, primarily because of inadequate resources. Basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges were scarce. 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. In 2003 the National Assembly adopted legislation granting police more decision-making authority and increased compensation; however, corruption remained pervasive. Citizens complained that security forces did not adequately police border regions. The gendarmerie is responsible for investigation of police abuse; however, impunity was a problem.

Arrest and Detention

The law requires a warrant for an arrest and provides for a 48-hour investigative detention period. If police fail to gather sufficient evidence within that period, the prosecutor can give the case to another officer, and a new 48-hour investigative detention period begins. Poor communications hindered accurate identification of detainees and could result in prolonging the 48-hour detention period. A defendant has the right to a lawyer immediately upon detention, and bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented many of the accused from taking full advantage of these rights.

In March the government arrested five leaders of the Coalition Against the Rising cost of Living, which had organized popular protests against the January imposition of a higher VAT (see section 2.b.). The five were charged with conspiracy against state security, call to armed gathering, and unauthorized creation of an association. During the preliminary hearings, the judge reportedly offered to free the detainees in exchange for their commitment not to talk publicly or call for further protests; however, the five rejected the offer and were placed under preventive detention in separate prisons. On April 7, the men were released, but charges were still pending at year's end.

Security forces arrested journalists, a human rights activist, and numerous demonstrators during the year (see sections 2.a., 2.b., and 4).

There were no reports of political detainees.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. Despite legal limits to the pretrial confinement period of indicted persons, detention frequently lasted months or years; some persons have been waiting as long as six years to be charged.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive branch sometimes interfered with the judicial process. In civilian matters there were credible reports that family and business ties influenced lower court decisions. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the government. In some instances judges granted provisional release pending trial to high-profile defendants. Persons in such status had complete freedom of movement and could leave the country, but the charges against them remained pending, and they were subject to recall by the courts at any point. Such persons were seldom called back to trial, and some observers charged that provisional release amounted to a denial of fair public trial.

The court of appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts and a military court.

Trial Procedures

Trials were public, and juries were used. Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts, first to the court of appeals, then to the Supreme Court. The law affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the government generally did not remunerate them. Widespread ignorance of the law prevented many accused from taking full advantage of these rights. There were no defense attorneys located outside the capital, although lawyers traveled to other locations to provide legal assistance as requested.

The military court provides the same rights as civilian courts, but it cannot try civilians.

On July 21, the military court sentenced three of five army officers charged with high treason in 2002 to jail terms of one to five years for "arbitrary arrest and confinement." The other two army officers were released without charge. Thirteen other officers originally charged in the case but living in self-imposed exile abroad were sentenced in absentia to nine years' imprisonment.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law, where they were designated as auxiliaries to local officials. Chiefs received government stipends but had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who was 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 could appeal a verdict to the formal court system. Women did not have equal legal status with men in the traditional and customary courts and did not enjoy the same access to legal redress (see section 5).

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions. Under the State Security Law, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. Unlike in previous years, there were no reports that police conducted routine searches without warrants.

On July 21, the military court sentenced 3 of the 5 army officers charged with treason after their homes were searched without warrant in 2002 (see section 1.e.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government restricted these rights during the year and intimidated journalists into practicing self-censorship.

The government published a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The government-owned radio station *La Voix du Sahel* provided news and other programs in French and several local languages. There were several private radio stations; five were owned locally and featured popular news programs in local languages. These private radio stations generally were less critical of the government than were the private newspapers. The government-operated multilingual national radio service generally provided equitable broadcasting time for all political parties; however, opposition political parties complained of unequal coverage of their activities by government-owned media.

Television was a far less important medium than radio. The government-owned *Tele-Sahel* and TAL-TV broadcast programming in French and other major national languages. A private television station, *TV Tenere*, also broadcast local and foreign programming. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

During the year the government seized cameras and film from journalists, closed a private radio station, and brought libel charges against journalists who criticized the government, particularly in its handling of the food crisis and the VAT increase.

On March 24, the government's spokesman and minister for institutional relations seized a journalist's camera during a press conference on the January VAT increase. Following anti-VAT protests in Zinder, the region's governor ordered the confiscation of a private television channel's video footage of the events.

The High Council for Communications (CSC) is the only government agency with the legal power to close radio stations, and it may do so only after receiving a complaint. However, on March 29, the government ordered the police to close a private radio station without informing the CSC, charging that the station's March 29 broadcast of civil society criticism against the VAT increase constituted a threat to public order. On April 5, the radio station reopened after the regional court of Niamey ruled the closure illegal. On May 7, the CSC ordered the station to refrain from broadcasting political news, sports coverage, or commercials. The minister of the interior subsequently threatened to "take action" against private radio stations and newspapers that carried calls for demonstrations against the VAT. Local independent press associations criticized the government's actions.

In May the editors of *Sahel Dimanche* ordered one of the newspaper's writers to take three weeks of leave following her April 29 coverage of the country's food crisis. Government officials angered by the coverage reportedly influenced the editors.

On July 15, the government charged Raliou Hamed Assalek, a private radio station director and correspondent for Radio France International (RFI), with defamation for alleging that the governor of the northern region of Agadez had diverted foreign food aid from its intended recipients. On July 25, Assalek was granted provisional release. On November 29, Assalek was tried, and on December 20, he was given a suspended sentence and fined \$400 (200 thousand CFA francs) in damages. The case was under appeal at year's end.

In September Yahaya Yandaka, the governor of Agadez, filed a \$19 thousand (10 million CFA francs) civil lawsuit against Abdoulaye Harouna, the publisher of a local newspaper who alleged corruption and malfeasance in the governor's handling of foreign food aid in his newspaper. The governor subsequently initiated libel proceedings. On September 27, Harouna was sentenced to four months' imprisonment but granted immediate provisional release. The case was under appeal at year's end.

On November 12, security forces arrested independent journalist Abdoukarim Salifou on charges of criminal libel; Salifou had written an article accusing the country's treasurer of embezzling funds. On December 2, the court sentenced Salifou to two months' imprisonment (including time already served) and a symbolic fine of one CFA franc.

On January 9, Sanoussi Jackou, opposition leader and publisher of an opposition newspaper, was released; Jackou was arrested in December 2004 for "arousing ethnic hatred" during his appearance on a radio talk show.

There were no further developments in the 2004 arrest and provisional release of Moussa Kaka, who was charged with conspiracy after he broadcast reports on the alleged reactivation of the Tuareg rebellion in the north.

Defamation charges against Maman Abou, who was arrested and released in 2003, remained pending at year's end.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and while the government generally respected this right, police forcibly dispersed demonstrations during the year. The government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided.

The January 4 imposition of VAT increases on electricity, water, and foodstuffs resulted in general strike days and nationwide demonstrations, many of which became violent and were forcibly dispersed by police. For example, on March 15, the Coalition Against the Rising Cost of Living organized a large march that resulted in considerable property damage. Police arrested and briefly detained 47 demonstrators. By the end of April police had arrested 93 demonstrators, most of whom were charged with property destruction. All had been released by June.

On February 14, police reportedly beat student demonstrators with batons and whips in the town of Konni; several students were briefly detained.

On May 28, in the village of Tamaske, police fired shots to disperse a demonstration, which resulted in serious injury to two demonstrators. Several persons also were injured during a stampede that followed the police firing. Police arrested three demonstrators, one of whom remained in detention at year's end. The demonstrators were protesting alleged corruption and political favoritism in the distribution of food. An investigation was being conducted at year's end.

No action was taken against police who forcibly dispersed demonstrators in 2004 and 2003.

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 law provides for freedom of religion, and the government generally respected this right, as long as persons respected public order, social peace, and national unity.

Islam was the dominant religion and the Islamic Association, which acted as an official advisory committee on religious matters to the government, 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. This registration was a formality, and there was no evidence that the government ever refused to register a religious organization.

Societal Abuses and Discrimination

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 [2005 International Religious Freedom Report](#).

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

The law provides for freedom of movement, and the government generally respected this right. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded bribes. During the year transportation unions and civil society groups criticized such practices, and the Anticorruption Commission called for an investigation into checkpoint corruption; however, no investigation had been conducted by year's end.

There were reports that bandits set up roadblocks along southern highways and robbed persons during the year; one person was killed (see section 1.a.). On December 2, three armed bandits attacked persons returning from a regional market near the border with Mali and stole their camels, cash, and other valuables.

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

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, although the country is a signatory to the convention. The government has not established a system for providing protection to refugees, but in practice provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not routinely grant refugee or asylum status, although it did cooperate with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR's regional office in Benin was responsible for refugee assistance and protection in the country; the government's interministerial National Refugee Eligibility Committee performed refugee prescreening duties. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and has offered asylum to several thousand persons, primarily from Mali and Chad. Approximately 500 refugees from Chad and other neighboring countries remained in the country.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, 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 5-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 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.

Women traditionally have played a subordinate role in politics. 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 local, legislative, and presidential elections held in 2004. There were 14 women in the National Assembly and 6 female ministers in the cabinet; 6 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 Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population.

Government Corruption and Transparency

The government publicly acknowledged that corruption was a problem and prosecuted numerous officials for corruption during the year. There was a widespread public perception of corruption in the executive and legislative branches.

On April 15, the Niamey regional court sentenced Sanou Joseph, the prime minister's legal advisor, to 1 year in prison and a \$92 (50 thousand CFA francs) fine for embezzling \$93,922 (51 million CFA francs) from an NGO he ran in the 1990s. On June 28, the court of appeals dismissed the case due to insufficient evidence.

Following a July investigation, the Ministry of Finance indicted the deputy director of salaries for forging documents to collect \$64,800 (35 million CFA francs) on behalf of fictitious civil servants. The case against him was pending at year's end. Also in July the minister of civil service and labor fired three senior officials for accepting bribes in exchange for providing passing grades to applicants taking the civil service exam.

On September 7, 15 civil servants in the city of Dosso were sentenced to 5 months' imprisonment for accepting bribes in exchange for providing answers and passing scores while administering the standardized junior high school test.

On September 24, the former director general of the country's Francophone Games Organization was arrested and indicted on charges of abuse of public property; he allegedly had embezzled funds and operated a private construction company that received contracts from the organization during his directorship. The case was pending at year's end.

The National Commission on Corruption set priorities to investigate corruption in justice, health care, education, and transportation; however, the commission still lacked office space and an adequate budget at year's end.

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.

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. These findings were sometimes highly critical of the government. Government officials often were unresponsive to their views and denied allegations of human rights abuses. The ICRC was active in the country.

During the year a coalition of human rights NGOs sued the government to reverse a presidential decree that named new members to the Commission on Human Rights and Fundamental Liberties, which the government created to promote communication, advocacy, and investigation of human rights abuses. While acknowledging the president's legal right to name new members, the NGOs maintained that they should have been consulted in the selection process. On December 28, the Supreme Court annulled the presidential decree.

On July 4, security forces arrested Oumarou Souley, a local NGO representative, for issuing a statement that criticized the poor condition and management of Gaya hospital. On July 6, he was sentenced to 2 months' imprisonment and fined \$46 (25 thousand CFA francs) on defamation charges. On September 5, he was released.

On October 26, civil society activist Houhou Arzika was attacked and severely beaten by the bodyguards of Moussa Dan Foulani, a wealthy businessman believed to have ties with high-level government officials. In a radio interview several weeks earlier, Arzika had accused Foulani of corruption and malfeasance in his management of government contracts. On October 27, after Arzika filed a complaint, the gendarmerie called Foulani to its Niamey headquarters for questioning. On December 21, Foulani was arrested, arraigned, and jailed; however, he was granted provisional release on December 28. The criminal case against him was pending at year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on sex, social origin, race, ethnicity, or religion, there were instances of societal discrimination against women, children, ethnic minorities, and persons with disabilities, including limited economic and political opportunities.

Women

Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common. The law does not prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which ranged from 2 months in prison and a \$19 (10 thousand CFA francs) fine to 30 years' imprisonment. The government enforced these laws, but charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. 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, fear of social stigma, or fear of repudiation. Some women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

Rape is a crime punishable by 10 to 30 years' imprisonment depending upon the circumstance and age of the victim; the law was enforced. Reliable statistics on its prevalence were not available. The law does not explicitly recognize spousal rape.

Certain ethnic groups practiced FGM, and approximately 20 percent of women in the country had undergone it, according to a 1999 World Health Organization global study. Clitoridectomy was the most common form. FGM is against the law, and those convicted of practicing it and their accomplices face prison sentences ranging from six months to three years. If the victim of FGM dies, the practitioner can be sentenced from 10 to 20 years' imprisonment. The government also took an active role in combating FGM and worked closely with local NGOs, community leaders, the UN Children's Fund (UNICEF), and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and dissemination of publicity.

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

Sexual harassment is a crime punishable by prison sentences from 3 to 6 months and fines from \$20 to \$200 (10 thousand to 100 thousand CFA francs). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year, and the fine is increased from \$40 to \$400 (20 thousand to 200 thousand CFA francs).

Despite the constitution's provisions for women's rights, deep-seated 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 much 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.

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. In the east there were reports that some women were cloistered and could leave their homes only if escorted by a male relative and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were allowed to serve in the military as part of their national service obligation; however, even though women were allowed to serve in the military, they could meet their national service obligation only by serving as teachers, health service workers, or

technical specialists.

Children

Although the law provides that the government promote children's welfare, financial resources for this purpose were extremely limited. Education was compulsory and free for a minimum period of six years; however, according to the Ministry of Basic Education, only approximately 50 percent of children of primary school age attended school, and an estimated 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years. This resulted in a female literacy rate of approximately 10 percent compared with approximately 30 percent for males, according to a 2004 UN Development Program report. Literacy rates, particularly for girls, were even lower in rural areas.

Unlike in previous years there were no reported incidents of child abuse, which was rare, according to UNICEF.

FGM was performed on young girls in certain ethnic groups (see section 5, Women).

Underage marriage was a problem, especially in rural areas and in traditional communities. 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.

Trafficking and commercial sexual exploitation of children was a problem (see section 5, Trafficking). Child labor also was a problem (see section 6.d.).

Infanticide occurred, and 80 percent of the female prison population was charged with the crime. According to the Ministry of Justice, infanticide resulted from severe economic conditions.

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 Koranic schools by their parents due to economic hardship (see section 5, Trafficking).

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a 2004 revision of the penal code that criminalizes slavery and other forms of coerced labor; sentences for conviction ranged from 10 to 30 years' imprisonment.

During the year one man was convicted of kidnapping and sentenced to three years in prison for attempting to sell his nephew.

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.

On July 27, the government, along with eight neighboring countries, signed a multilateral cooperation agreement to combat child trafficking. Signatories agreed to prosecute and punish traffickers, develop antitrafficking legislation, share information on victims and traffickers with international authorities, and develop partnerships with civil society groups and NGOs to combat child trafficking.

There was evidence that 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, and a source of persons trafficked to North Africa, Europe, and the Middle East for domestic servitude and sexual exploitation. Internal trafficking also occurred, and there was anecdotal evidence that clandestine networks victimized young girls who worked as household helpers.

A survey conducted by a local NGO during the year found that 5.8 percent of households interviewed claimed that at least one member of their household had been a victim of trafficking. Internal trafficking of young boys for labor and young girls for work as maids and in some cases for prostitution from rural to urban areas occurred. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. There also were reports that child prostitution was especially prevalent along the main East-West highway, particularly between the towns of Birni N'konni and Zinder. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts toward minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by three to five years in prison.

There also were reports of internal trafficking that included the indenturing of boys to Koranic teachers. As a result of economic hardship, some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets or doing manual labor.

Trafficking in persons generally was conducted by small operators who promised well-paid employment in the country. Victims, primarily from neighboring countries, were escorted through the formalities of entering the country and found that their employment options were restricted to poorly paid domestic work or prostitution. Victims had to use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before

they departed their countries of origin; alternatively, traffickers seized victim's travel documents. A local NGO also reported that some rural children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant.

The government provided no services for trafficking victims, but supported the efforts of the ICRC and CARITAS in providing food, temporary shelter, and primary health care.

During the year the government undertook several initiatives to prevent trafficking. In September the government and the NGO Save the Children conducted a train-the-trainer exercise for police and border security officers to identify victims of trafficking. In December the government worked with UNICEF and two local NGOs to provide similar training for an additional 150 law enforcement officers. The government also sponsored public outreach sessions on trafficking and child abuse, targeting traditional chiefs, community leaders, and journalists. Media coverage of trafficking increased during the year.

Persons with Disabilities

The law prohibits discrimination against persons with 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 the government had not implemented regulations to mandate accessibility to buildings, transportation, and education for those with special needs. Limited government health care benefits were available to persons with disabilities, and NGOs provided many services and programs. 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.

National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business, and many believed that nepotism existed along ethnic lines.

Unlike in the previous year, there were no reports of banditry in the north that may have involved former Tuareg rebels; however, land use conflicts between farmers and herders in the south resulted in deaths and injuries (see section 1.a.).

During the year six persons were released for lack of evidence, and five persons remained in prison in connection with the November 2004 violence between farmers and herders in the town of Fassi.

In November the government's High Commission for the Restoration of Peace hosted a reconciliation forum in Tesker for the Tuareg and Toubou communities, which resulted in a reconciliation agreement. The forum was in response to the 2003 violence between the two communities.

Other Societal Abuses and Discrimination

Despite strong government efforts to discourage discrimination against persons with HIV/AIDS, societal discrimination against such persons continued.

Section 6 Worker Rights

a. The Right of Association

The law recognizes workers' right to establish and join trade unions, and workers exercised this right. However, more than 85 percent of the workforce was employed in the nonunionized subsistence agricultural and small trading sectors.

In June the Labor Confederation of Niger referred the dispute of activist Diamyo Elhadji Yacouba to the International Labor Organization (ILO), where it was pending at year's end.

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. There are no export processing zones.

The law provides for the right to strike, except for security forces and police, and workers exercised this right.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, except for legally convicted prisoners, and slavery is prohibited; however, there were reports that such practices occurred (see section 5). A traditional form of caste-based servitude was still practiced by the Tuareg, Djerma, and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste were often expected to work without pay for those above them in the traditional social structure. Approximately 43 thousand persons worked under such conditions, according to a study conducted in 2003 by the NGO Anti-Slavery International and the local NGO Timidria. Individuals could legally change their situations, but most did not and accepted their circumstances. Timidria's 2003 survey studied 11 thousand persons born into servitude; 80 percent reportedly indicated that the persons for whom they worked determined whom they married and whether their children attended school.

The labor code does not prohibit specifically forced or compulsory labor by children, and there were credible reports of underage girls being drawn into prostitution and of underage boys working as laborers in mines, slaughterhouses, and rice fields (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

Although the law permits child labor in nonindustrialized enterprises under certain conditions, the law prohibits child labor in industrial work. However, child labor was a problem.

Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue. Children under 12 years of age are prohibited from working. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of labor inspectors were responsible for enforcing child labor laws; however, resource constraints limited their ability to do so.

Children worked in the unregulated agricultural, commercial, and artisan sectors, and some—including foreign—youths were hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly worked with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and doing similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by Koranic teachers to beg in the streets (see section 5).

Child labor also occurred in the largely unregulated gold mining sector. 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.

Trafficking in children, child prostitution, forced child labor, and involvement of children in a traditional form of caste-based servitude occurred (see sections 5 and 6.c.).

The Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, continued working with UNICEF and the International Program on the Elimination of Child Labor to determine the extent of child labor in the country. Preliminary findings revealed that 61 percent of children between the ages of 5 and 9, and 83 percent of children between the ages of 10 and 14 worked; 40 percent of child workers were not paid. The ministry collaborated with international NGOs to prevent and remove children from exploitive work situations, encourage school attendance, and to provide vocational training for 700 at-risk children and former child laborers. The government also worked with international partners to provide economically 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. During the year the government also created a special child labor division within the Ministry of Labor to coordinate government initiatives in the area.

e. Acceptable Conditions of Work

The labor code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. The lowest minimum wage was \$40 (20 thousand CFA francs) per month. Additional salary was granted at \$2 (one thousand CFA francs) per month per child. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations, such as private security guards, the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations during the year.

The labor code also establishes occupational safety and health standards, although due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: mining, building, and manufacturing. The gold mining industry 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, but in most cases this did not occur.

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