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2010 Human Rights Report: Niger

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Niger, a republic with a population of approximately 15 million, is in transition toward restoring a democratic government following the February military seizure of power that deposed former president Mamadou Tandja and his government. Tandja's presidential mandate ended in December 2009 after serving two consecutive five-year terms; however, he attempted during 2009 to manipulate political events to prolong his rule. Tandja replaced the 1999 constitution, which he could not amend legally, with one that gave more power to the presidency and removed term limits. Disregarding the formal ruling of Niger's Constitutional Court and prodemocracy complaints from the civil society and political parties, Tandja conducted a costly referendum resulting in a new constitution without term limits and a new Sixth Republic that consolidated presidential powers. The Economic Community of West African States (ECOWAS) designated a mediator to try to end the political crisis; however, three rounds of discussions failed to break the impasse. On February 18, a military junta deposed Tandja and announced that a new provisional government would be led by the Supreme Council for the Restoration of Democracy (CSRD). The CSRD invalidated Tandja's constitution, dismissed his appointees, and stated its intention to move promptly to restore democracy, through elections. Under CSRD rule, security forces did not report to civilian authorities.

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, restrictions on press freedom, forcible dispersal of demonstrators, restrictions on freedom of movement, official corruption and impunity, societal discrimination and violence against women, female genital mutilation (FGM), trafficking in persons, slavery, and child labor.

The armed conflict between the government and the Tuareg in northern Niger ended following a 2009 peace arrangement brokered by Libya. The subsequent surrender of arms by Tuareg groups was followed by the lifting of the state of alert in the North. During the year there were reports of sporadic acts of "banditry" on main roads and incursions by members of al-Qaida in the Lands of the Islamic Maghreb (AQIM) into Nigerien territory. Between March 9 and 21, various delegations from the Tuareg rebel groups including the Movement of Nigeriens for Justice, the Nigerien Patriotic Front, and the Front

of Forces for Rectification met with the CSRD president; they reaffirmed their commitment to work on sustaining peace, to follow through on commitments made during negotiations, and to help strengthen national unity. They urged the CSRD president and the Transition Government of Niger (TGON) to complete the 2009 peace process.

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 CSRD and the TGON or its agents committed any arbitrary or unlawful killings; however, there were reports that three security agents died during the February power seizure.

On November 8, the ECOWAS Court of Justice held hearings on the TGON's investigation into the army's 2007 killing of six civilians and an off-duty police officer near Tiguidit. At year's end, a verdict was pending.

Disputes between herders and farmers over land rights and grazing areas continued and resulted in several deaths. Additionally, armed bandits and bands of AQIM militants attacked Nigerien and foreign travelers in northern Niger.

On June 27, a group of armed individuals, reportedly from Mali, attacked a herders' camp near Tirzawan. Four of the attackers were killed. They returned on July 4, resulting in the death of one herder and one attacker, several injuries, and stolen livestock.

On July 8, another group raided a camp near Tirzawen. They slaughtered an estimated 10 cows and bulls and took away several others. They also kidnapped three community members (Gordi, Moussa Zouli, and Gagou Dali) who were released in August following the intervention of Nigerien officials. On July 14, Daoudoua camp herders (in the same area) reported that three of their peers (Ali Gueno, Djimraou, and Djodi) had been kidnapped along with their animals. Kidnappers killed all three hostages, and the bodies of two were found near the Malian village of Deloumane.

On August 5, several armed bandits, reportedly coming from Mali on motorcycles, attacked the nomad camp of Tintakaret and stole several hundred head of livestock and other valuables.

There were no developments in the 2009 killings of seven passengers near Bani Bangou, Tillabery, 13 herders in the same area, as well as the death of one young man and three persons in a nomad camp.

On September 3, the government announced that security forces arrested a group of 15 bandits who attacked the village of Tafougue and stole 12 camels. Security forces seized several weapons and ammunition and recovered seven camels.

On March 8, the government reported that a group of individuals (later identified as AQIM members) attacked the military outpost of Tiloa, near the border with Mali, in the Tillabery Region. Assailants killed five government soldiers, destroyed one army vehicle, and stole another. The army reported that it killed three assailants and destroyed one of their vehicles.

On April 11, armed bandits attacked several trucks transporting goods near Agadez, killing two passengers. Nine others suffered minor injuries. The criminals stole a large sum of money. Security forces were deployed to track the bandits, but there were no reports of arrests.

On May 11, unidentified armed persons opened fire on a vehicle transporting four employees of a mining company near the northern town of Arlit. They killed one passenger, took a weapon, and stole the vehicle.

b. Disappearance

Although there were no reports of politically motivated disappearances, on April 22, armed men later identified as AQIM militants, kidnapped Michel Germaneau, a French national, and Ouaghi Abidine, his Algerian aide, near the town of Tiguidan Tessoum, near the borders with Algeria and Mali. Despite efforts to track the assailants, the kidnappers were able to take the hostages to northern Mali. AQIM released Abidine on April 29 but executed Germaneau on July 25.

On September 16, AQIM abducted five French, a Togolese, and a Malagasy who worked for the French uranium mining company Areva in Arlit, Agadez Region. The hostages were taken to northern Mali, where they were presumed to be held at year's end.

Investigations continued into the December 2009 murder of Saudi citizens by armed individuals near Tillabery. In addition to those detained in Niamey, other individuals found in possession of the victims' belongings were arrested and jailed in Agadez. In August the investigating judge traveled to Saudi Arabia to record testimony from the two Saudis who escaped the attack and from the families of the deceased.

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 beat civilians and that the police forcibly dispersed and injured demonstrators.

On January 19, gendarmerie cadets stormed Koira Tegui village near Niamey and beat at least 10 civilians following a brawl between one of their colleagues and a villager. While there were reports that gendarmerie officials tried to stop the incident, there was no indication that villagers filed complaints or that any action had been taken against the gendarmes.

Prison and Detention Center Conditions

At year's end, there were 38 penitentiaries with a total of approximately 7,000 detainees with an estimated 3.2 percent (224) of them female. Prison conditions were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. The Niamey Civil Prison, a facility built for 350, held 750 inmates, including 460 awaiting trial. Pretrial detainees were held with convicted prisoners.

Although family visits were allowed and prisoners could receive supplemental food, medicine, and other items, nutrition, sanitation, and health conditions were poor, and deaths occurred from HIV/AIDS, tuberculosis, and malaria. Prisoners and detainees had reasonable access to visitors and were permitted religious observance; all penitentiaries had places of worship. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Judicial authorities and the government Observatory on Human Rights and Fundamental Liberties (ONDHLF) investigated and monitored prison and detention center conditions and credible allegations of inhumane conditions; public and private media covered their visits.

There were reports of corruption among prison staff (see section 4).

Human rights observers, including the International Committee of the Red Cross (ICRC), the ONDHLF, human rights groups, and media representatives were granted unrestricted access to prisons and detention centers and conducted visits during the year. ICRC visits were conducted in accordance with its standard modalities.

The ONDHLF and human rights groups make recommendations to the government on alternatives to incarceration for nonviolent offenders. The government established a law on the implementation of "general interest work" programs in juvenile courts.

On April 19, the Ministry of Justice, in partnership with the Project to Support Justice and the Rule of Law, chaired a training session for prison wardens, bailiffs, and other penitentiary staff on penitentiary regulations, budget management, human resources management, security, and conflict management.

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.

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 Guard, under the Interior Ministry, is responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, are responsible for urban law enforcement.

The police were ineffective, largely due to a lack of basic supplies such as vehicle fuel, radios, and other investigatory and law enforcement equipment. 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 abuses; however, police impunity was a widespread problem.

Arrest Procedures and Treatment While in Detention

The constitution and law require a warrant for an arrest, and this generally was observed in practice. Judges and prosecutors weigh evidence and issue warrants accordingly. Although there is an independent judiciary, there were reports of persons being detained without clear charges. The law allows individuals to be detained for an initial period of 48 hours without charges, and an additional 48 hours 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 sentence of less than 10 years. Those arrested must be notified of their right to a lawyer within 24 hours, and law enforcement officials generally observed this practice. Indigents are usually 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 the bail system.

Security forces arrested and detained a journalist and political leaders during the year.

On February 18, former president Tandja and key members of his cabinet were deposed and arrested following a military seizure of power. Tandja was placed under house arrest and continued to be held in a government guest house at year's end. The former prime minister and the ministers of interior, justice, economy and finance, mining and industry, and equipment were detained at military barracks for several days, then released and placed under house arrest. The CSRD subsequently lifted the house arrest measure for all except the former minister of interior, Albade Abouba.

On March 15, police detained for questioning former minister of communication and government spokesman Moctar Kassoum. On March 7, Kassoum had stated that Tandja's detention could create "hatred" and the junta "could not deny certain citizens their freedoms, leave others free, and talk of reconciliation." On March 14, a new pro-Tandja organization led by Kassoum issued a public statement calling for release of Tandja and Albade for the sake of "national reconciliation." Kassoum was released on March 18.

At the end of March, police held at least 17 former ministers and general managers of state-owned enterprises for questioning. On March 30, police denied the detainees access to lawyers. On April 2, the police released 14 of them, but kept many under house arrest and surveillance for an additional five days. The other three were released a few days later.

On March 29, the police jailed Rhissa Ag Boula, former minister and rebel Tuareg leader. Reportedly, his arrest was based on a previous final court decision (and therefore not related to other detentions during the same period) concerning the killing of an Agadez regional political leader. In 2008 the Niamey Court of Appeals sentenced Rhissa to death in his absence for ordering the killing. Authorities released Rhissa on July 5 and allowed him to leave the country. On December 4, the Niamey Court of Appeals acquitted Rhissa.

On October 15, security forces arrested Colonel Abdoulaye Badie, former CSRD permanent secretary; Colonel Abdou Sidikou Issa, National Guard Commander; Colonel Amadou Diallo, minister of equipment; and Colonel Aboubacar Amadou Sanda. On October 20, police arrested former director of state intelligence Seyni Chekaraou. According to the CSRD, all of those arrested had been involved in activities aimed at destabilizing the regime. On November 17, security forces arrested Colonel Hassane Mossi, air force chief of staff. On November 26, they arrested Lieutenant Issaka Abdou, an aide to the CSRD president. While Chekaraou and Abdou were released a few days after their detention, the five other officers remained in detention at year's end.

The three former National Assembly deputies and two administrative staff jailed in September 2009 were released following the February military seizure of power. However, in October the Niamey Appeals Court prosecutor-general annulled all existing proceedings against former parliamentarians and referred the case to a lower court to restart legal proceedings. The judge was expected to determine whether a new prosecution of the former National Assembly deputies would take place. A decision was pending at year's end.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for minor offenses (with special extensions in certain sensitive cases), some detainees waited as long as six years to be tried. During the year 60 percent of the prisoners in Niamey's Civil Prison were awaiting trial. Trial delays were caused by lengthy legal procedures, inadequate resources, staff shortages, and corruption.

Amnesty

The constitution provides for an amnesty to cover the "authors, coauthors, and accomplices" of the February 18 military seizure of power. It did not retain the previous constitution's provision of amnesty for persons involved in the 1996 and 1999 coups. As a consequence, family members of slain president Bare lodged a complaint with the Tribunal of First Instance of Niamey in order to bring to justice those involved in the murder.

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 to lower positions or to remote areas of the country 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, who were seldom called back for trial, had complete freedom of movement, and could leave the country.

Customary courts and traditional mediation do not provide the same legal protections as the formal court system. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate many customary law matters, including marriage, inheritance, land, and community disputes, but not 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 with knowledge of the 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 are public, and juries are used. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years. Those arrested must be notified of their right to a lawyer within 24 hours of detention. Defendants also have the right to be present at trial, confront witnesses, and 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. However, widespread ignorance of the law prevented many accused from taking full advantage of these rights.

On April 19, the minister of justice officially launched a national campaign to disseminate information brochures on citizens' rights and obligations. The project, with support from the EU, was expected to disseminate 222,000 brochures covering 22 topics such as the court system, criminal and civil procedure, child protection before the court, divorce or repudiation, rape and sexual harassment, administrative redress, labor disputes, and commerce and real estate.

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. However, following the February 18 military seizure of power, Tandja and Abouba remained in detention. On June 29, the CSRD president stated that "the Nigerien people will decide how to handle this case." International visitors, human rights and humanitarian groups, and the families of the detainees were allowed access and reported them to be healthy and well-treated. In November the ECOWAS Court of Justice ordered Tandja's release. In December the TGON lifted Tandja's legal immunity, paving the way for his prosecution on embezzlement charges.

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 and cessation of human rights violations. These courts hear lawsuits related to civil matters and can apply judicial remedies, while a single appellate court 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.

Section 2 Respect for Civil Liberties, Including

a. Freedom of Speech and Press

Before the military seizure of power, the actual autocratic rule imposed by former president Tandja included a tailor-made constitution, established a National Assembly, judiciary, and a compliant media-regulation body; he restricted basic freedoms and curtailed press freedom. After Tandja was deposed, the constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. Although individuals generally could criticize the government publicly or privately without reprisal, the government attempted to impede criticism.

Throughout the year, 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.

The government did not allow international media to operate freely, especially when covering events in the north. BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America and Deutsche Welle.

On June 17, the governor of Agadez summoned Raliou Hamed Assaleh, director of Radio Sahara FM, to reprimand him for reopening his radio station and starting broadcasts without the governor's authorization. Raliou explained that he had received a notification from the National Communication Institute (ONC), with a copy to the governor, but the latter told him that he needed to inform authorities before proceeding. Radio Sahara continued its programs unimpeded.

On September 19, police summoned Moussa Aksar, editor of the independent newspaper *L'Evenement* regarding interviews he gave to foreign press about the September 16 kidnappings from the Areva mining site in Arlit. After being questioned and held several hours without charge, he was released.

After Tandja was deposed, independent media were active and expressed a wide variety of views without restriction.

On June 11, the ONC reopened Sahara FM, a private radio station in Agadez, which the High Council on Communication closed in 2008 for broadcasting interviews with alleged victims of abuse by government troops.

On October 11, the ONC granted new operating licenses for three private television stations, four commercial radio stations, and eight community radio stations, in addition to six-month license extensions for two private television stations and two community radio stations.

On March 11, the Tribunal of First Instance of Niamey cleared Ali Soumana of *Le Courrier* on all charges in the August 2009 case regarding a report that claimed that the National Human Rights and Fundamental Liberties Commission misused 350 million CFA (\$708,000) allocated for oversight of the August 2009 constitutional referendum.

From March 29 to 31, the government hosted a forum to discuss ways to improve the media climate, including replacing jail sentences with fines for press infractions and improving working conditions for journalists. The prime minister announced that the CSRD president had decided to reopen the "Maison de la Presse," a media center and venue for training and seminars, which Tandja's minister of communications shut in 2008. On June 4, the government adopted a

new law on the decriminalization of press offenses as recommended by the forum. In addition to reopening the media center, this law resulted in the emergence of a private radio station, allocation of new operating licenses, and creation of a voluntary media ethics watchdog. Journalists, in turn, created an independent organization to monitor all broadcasts and publications to avoid possible abuses of press freedom.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Although individuals and groups could engage in the peaceful expression of views via the Internet, few residents have access to it. According to International Telecommunication Union statistics for 2008, only approximately 0.5 percent of the population used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On April 12, hundreds of middle and high school students clashed with police in Niamey during a demonstration denouncing the government's failure to implement an agreement aimed at improving conditions in schools. Several persons suffered minor injuries.

On August 22, police in Agadez clashed with "mototaxi" operators who were demonstrating against the arrest of one of their peers. Motorcycle operators demonstrated in the streets and burned tires. A teargas fragment injured one of the demonstrators. The police arrested an estimated 40 protesters but released them the following day.

Freedom of Association

Although the law provides for freedom of association, political parties based on ethnicity, religion, or region are not permitted.

During the year the government shut three civil society associations.

In April the minister of interior dissolved the "Refoundation, Restoration, and Respectability" association led by former minister of communication Kassoum.

On May 10, the minister of interior dissolved the "Magama Foundation" led by Laraba Tandja, the former first lady.

On November 2, the minister of interior dissolved the Organization of Niger's Consumers led by Nouhou Arzika, a Tandja supporter.

c. Freedom of Religion

For a description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/hrrpt/2010/af/154362.htm.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the TGON restricted freedom of movement for some political leaders.

Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. During the year gunmen robbed and killed travelers.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

Following the February military seizure of power, several former officials were placed under house arrest. In March and April, several former ministers and state-owned company managers were placed under house arrest and surveillance. All were released by mid-April except for former president Tandja and former minister of interior Abouba.

On May 3, police in Konni stopped a delegation of the Rally for Democracy and Progress political party that was traveling upcountry. Police, who stated that they received orders from "high up," forced the delegation to return to Niamey.

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

Internally Displaced Persons (IDPs)

Famine and floods during the year displaced many persons.

International humanitarian organizations reported that community conflict between farmers and herders, and rural communities and bandits, especially in northern Tillabery Region, caused displacement. In addition there have been reports of sporadic acts of "banditry" on main roads and incursions by members of AQIM into Nigerien territory. Because of the pressures of desertification and population growth on subsistence farming and livestock herding, the main activities in this region, competition among farmers and herders for limited natural resources increased in recent years.

The government and humanitarian organizations provided assistance for IDPs. On March 5, the TGON appealed to the international community for assistance to address the food crisis that affected over half of the country's population. On April 2, the TGON announced that, especially in the Zinder and Maradi regions, some primary schools were totally or partially empty because children had left with their parents in search of food.

In early August, persistent floods caused residents to evacuate several districts in Niamey. At least 770 households and 500 hectares of farmland were affected, leaving an estimated 6,000 individuals without shelter. Local authorities, with the help of humanitarian organizations, resettled displaced flood victims in public buildings and other shelters. Heavy rains in Goure, Zinder, left approximately 11,000 residents homeless.

Protection of Refugees

The laws do not provide for granting asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees or the 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year the government also

provided temporary protection to approximately 350 individuals who may not qualify as refugees under the 1951 Convention or the 1967 Protocol.

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. Following the February 18 military seizure of power, the CSRD implemented a constitution under which citizens exercised this right in free and fair elections based on universal suffrage, beginning with the October 31 constitutional referendum. National elections are scheduled for the first quarter of 2011.

Elections and Political Participation

The CSRD, which assumed executive and legislative powers after deposing Tandja and his cabinet in February, established the TGON, which included a largely civilian cabinet, a National Consultative Council in lieu of the dismissed parliament, a Transition Constitutional Council in place of the dissolved Constitutional Court, a State Court in lieu of the dissolved Supreme Court, an Audit Court, a National Communication Observatory in place of the High Council on Communication, and a Fundamental Texts Committee charged with drafting a new constitution, electoral code, political parties charter, statutes of the opposition, and other laws.

The new constitution and other relevant statutes, which were drafted through a consultative process involving political parties, civil society organizations, traditional and religious leaders, women and youth groups, business representatives, academics, and other resource persons, was designed to provide the country with new and strengthened democratic institutions. Transition authorities also revamped the Independent National Electoral Commission, which prepared the timeline and budget for a constitutional referendum and a series of elections.

On November 25, the CSRD president enacted the new constitution that voters approved on October 31 via a referendum that international observers described as generally free and fair, despite minor difficulties on polling day. The only irregularities were logistical problems delivering materials to polling places on time. Local elections were scheduled for January 8, 2011, and first-round presidential elections in conjunction with parliamentary elections for January 31. Second-round runoff presidential elections (if required) are scheduled for March 12, 2011, and inauguration of the new president is scheduled to take place on April 6, 2011.

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

The law mandates that women fill at least a quarter of senior government positions and at least a tenth of elected seats. There were five female ministers in the 21-member transition cabinet and five of the country's 20 ambassadors were women.

All major ethnic groups were represented at all levels of government. There were eight seats in the dissolved National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

Section 4 Official Corruption and Government 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 most recent Worldwide Governance Indicators reflected that corruption was a severe problem. The government publicly acknowledged corruption as a problem.

Civil servants sometimes demanded bribes to provide public services. A poorly financed and trained law enforcement system and weak administrative controls compounded corruption. 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.

There were reports of corruption among prison staff. 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.

On April 15, the TGON created the State Audit Court to sanitize public finances and to provide for transparency in the management of public funds. The court oversees the management of all government agencies and development projects funded by external resources, as well as the implementation of the budget. It also oversees the accounts of political parties and government officials' statements of personal assets submitted to the Constitutional Court. If requested by the National Assembly, the State Audit Court will conduct investigations regarding the implementation of public revenues and expenses. The court also has authority to sanction any fraud in the management of public resources.

On May 11, the CSRD president signed a decree creating the Commission on Economic, Financial, and Fiscal Crime. The commission, which includes customs, treasury, and imports inspectors; military officers; judges; labor union representatives; managers; and accountants, was intended to combat economic, financial, and fiscal delinquency and promote good governance through proper management of public resources. It is responsible for processing administrative investigations, reviewing economic and fiscal reports, processing inspection reports from all levels of government, using audits to recover money owed to the state and its agencies, and making recommendations and proposing measures for "cleansing" and improving the management of property of the state and its agents. The commission was charged with investigating at least 50 high-profile, corrupt, mismanaged, and delinquent accounts nationwide. By year's end, the commission had determined that 64 billion CFA (\$129 million) was owed over the 2000-10 period, and had collected approximately five billion CFA (\$10 million). Of the missing funds, 57 billion CFA (\$115 million) was due to embezzlement and seven billion CFA (\$14 million) was due to unpaid taxes. The commission transferred 34 of the 50 cases to the courts for further investigation, prosecution, and trial.

On June 15, police detained former president Mamadou Tandja's son Hadia Toulaye Tandja, Manager of Multimedia Communications Ibrahim Hamidou, former minister of mines Mohamed Abdoulahi, and former Ministry of Mines secretary general Massalabi Oumarou in connection with this case. On June 18, the Tribunal of First Instance of Niamey arraigned Hadia Toulaye Tandja for influence peddling and money laundering and the other three for complicity; the judge ordered their transfer to prison. Hadia Toulaye Tandja and Abdoulahi were detained at Say prison, Hamidou at Koutoukale, and Oumarou at Niamey. No trial date had been set by year's end.

On July 8, the TGON created a National Committee for the Coordination of Actions relating to Money Laundering and Terrorism Financing, in compliance with the Intergovernmental Group for Action against Money Laundering and Terrorism Financing in West Africa. The committee was charged with formulating a national strategy for the fight against money laundering and terrorism financing and to make recommendations on improving national policy on these issues.

On September 11, the minister of justice chaired the installation of the Center for Legal Assistance and Citizen Action, created by the country's section of Transparency International, with support from the EU. The center tries to educate the population on the fight against corruption and to assist victims and witnesses of corrupt practices in preparing legal complaints.

On July 29, police detained former prime minister and current National Movement for a Development Society party leader and presidential candidate Seini Oumarou, former minister of commerce Sala Habi, and two other officials of the Ministry

of Commerce on charges of embezzlement of public funds. On August 2, a judge at the Tribunal of First Instance of Niamey arraigned them and released them on bail. At year's end, no date had been set for their trial.

On August 3, police detained former national treasury director Siddo Elhadj on charges of illegally granting a waiver that allowed a foreign businessman to abscond with two billion CFA (\$4.1 million) intended as a security deposit in the organization of the 2009 Hajj. The judge ordered his transfer to Kollo prison pending his trial at a date that had not been determined at year's end.

On November 23, police detained Amadou Dioffo, director general of Sonidep (fuel importation and distribution company) for the mismanagement of a government special account for the amount of 3.6 billion CFA (\$7.2 million) opened by Sonidep. On November 28, Dioffo appeared before the Tribunal of Niamey, where the judge arraigned him and ordered his transfer to Tillabery Prison pending a trial at a date that had not been determined at year's end.

There were no further developments in the July 2009 corruption case involving a purported memorandum of agreement between Multimedia Communications and one of then-president Tandja's sons, Hadia Toulaye Tandja, on the one hand, and an Australian mining firm on the other, detailing the creation of a company called "Niger Uranium Ventures SA."

There were developments in the 2009 "illicit enrichment" and money laundering case against former prime minister Hama Amadou. On December 3, the Tribunal of Niamey discharged the defendant for lack of evidence.

There were developments in the 2008 illicit enrichment and fraud case against former justice minister Maty Elhadji Moussa. On December 2, the State Court discharged the defendant for lack of evidence.

Articles 51 and 52 of the constitution require the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office. These statements are to be updated annually and at the end of an individual's tenure. Initial statements and updates are published in the National Register and the press. Copies of the statements are forwarded to the government's fiscal services. Any discrepancies between the initial and the updated statements must be explained. The Constitutional Court has authority to assess discrepancies. The designated officials are not allowed to purchase or rent, by themselves or through other parties, any government-owned property, or to bid for public or private government contracts.

The State Inspectorate and the country's courts are responsible for combating government corruption.

There are no laws that provide for public access to government information; however, many documents could be obtained from individual ministries and the National Archives. The Commission on Fundamental Text was charged with drafting a national policy on access to public information, but had not completed the document at year's end. The TGON granted access to government information to both citizens and noncitizens, including foreign media.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The TGON created the ONDHLF on May 20, and its members sworn in on August 18. It was supposed to operate without government interference but lacked resources to implement an action plan.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and statutes prohibit 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 in prison, depending on 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. Rape is a widespread problem. Between October 18 and 22, the Tahoua Court of Assizes tried four rape cases and convicted all defendants. On March 2, the Niamey Court of Assizes had 12 rape cases on its calendar. On March 15, it sentenced one guilty party to 10 years' imprisonment and awarded 1.5 million CFA (\$3,033) in damages to the victim. On March 22, a defendant guilty of the rape of a 13-year-old girl was sentenced to six years' imprisonment, and one million CFA (\$2,022) in damages was awarded to the survivor. On November 22, the Niamey court of Assizes announced 12 new rape cases to be tried during its session. Spousal rape was not frequently prosecuted, as survivors often sought to resolve the issue within the family or were pressured to do so.

Domestic violence against women was widespread, although reliable statistics were not available regarding numbers of occurrences, prosecutions, or convictions. 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 (\$21) fine to 30 years' imprisonment. The government tried with limited success to enforce these laws; courts prosecuted cases of domestic violence when they received complaints. 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 redress offered by the legal system and fear of repudiation or being stigmatized. The Ministry of Population, 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.

Sexual harassment is a crime punishable by prison sentences from three to six months and fines of 10,000 to 100,000 CFA (\$21 to \$202). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA (\$42 to \$404). Sexual harassment was common. Courts enforced applicable laws as cases were reported.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. While the law protects reproductive rights, information regarding reproductive rights was not readily available. There were no restrictions on the right of access to contraceptives. Health clinics and local health NGOs were permitted to disseminate information on family planning freely under the guidance of the Ministry of Public Health. According to the ministry, use of contraceptives increased from 8.5 percent in 2006 to 16.5 percent during the year.

Men and women received equal access to diagnosis and treatment for sexually transmitted diseases, including HIV. Since 2007 the government has provided free health care for children up to five years of age, which contributed to increased access to health centers for women's general and essential obstetric and postpartum care, including prevention of mother-to-child transmission of HIV. Due to a shortage of skilled health professionals and limited resources, some women used traditional midwives (matrones) during childbirth and were referred to hospitals only when the mother or child suffered more serious health complications. According to the Population Reference Bureau, in 2008 approximately 16 percent of births were attended by skilled personnel and the UN Population Fund estimated the maternal mortality ratio (the ratio of

the number of maternal deaths per 100,000 live births) to be 820, and a woman's lifetime risk of maternal death was one in 16.

Although the constitution provides for equal rights regardless of gender, women do not have the same rights as men under family law in customary courts. Legal rights as head of household apply only to men; a divorced or widowed woman, even with children, was not considered to be a head of household. 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, cooking, water- and wood-gathering, and other work. Despite constituting 47 percent of the formal sector work force, only 26 percent of the civil service and 22 percent of professionals were women 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 their wives and prevented them from leaving their homes unless escorted by a male relative and, even with an escort, they were usually permitted to leave the house 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.

The country has adopted several laws and regulations for the development of women. The law mandates that women fill at least one-fourth of senior government positions and at least 10 percent of elected seats to increase their presence in decision-making positions. The government also had programs to provide microcredit, access to clean water, and access to health services for women.

Children

Citizenship is derived from one's parents. Birth registration, especially in remote rural areas and in nomadic communities, did not

In principle the six years of elementary education was compulsory, tuition-free, and universal from the age of six; in practice only a fraction of children attended school. Boys constituted 56 percent of those who finished primary school. In 2008 the government estimated that 45.6 percent of primary-school-age girls and only 12.46 percent of secondary-school-age girls were enrolled; even fewer attended regularly. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years.

Violence against and abuse of children was common. Each of the 10 district courts and 36 magistrate courts had at least one judge who addressed children's issues, including child labor. All judicial police sections at the regional and district levels may handle cases involving juveniles and refer them to judges. The government also collaborated with UNICEF and the International Labor Organization (ILO) in programs designed to improve enforcement of the law and to sensitize civil servants, parents, traditional chiefs, and other key actors on children's rights.

Female genital mutilation (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 to 20 years' imprisonment. Certain ethnic groups practiced FGM, predominantly the Fulani and Djerma in western Niger. According to UNICEF, the FGM rate decreased from 5 percent in 1998 to 2.2 percent in 2006. However, a 2008 UN Office for the Coordination of Humanitarian Affairs 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, with clitoridectomy the most common form. 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 participate in educational events.

On January 14, following a complaint lodged by the Nigerien Committee against Harmful Traditional Practices (CONIPRAT), a women's rights NGO, against three women practitioners of FGM, the lower court in Kollo, Tillabery

Region, sentenced each defendant to an eight-month suspended sentence and a 40,000 CFA (\$80) fine. On February 6, in Tamou, Say District, the minister of population, women's promotion, and child protection, chaired the celebration of the International Day of "Zero Tolerance" of FGM, during which the community issued a public statement pledging to abandon the practice of FGM. On November 27, authorities arrested a woman in a village near Niamey and charged her with seven cases of FGM, performed on seven children between the ages of two months to three years. They also arrested the children's mothers. CONIPRAT called for the woman to be prosecuted to the full extent of the law, given her history and the age of the victims. No date was determined for hearings. In December the court and mental health specialists determined that the FGM performer was mentally impaired. Authorities removed her from custody and placed her under medical care.

Child marriage was a problem, especially in rural areas. The law allows a girl deemed to be "sufficiently mature" to marry at 15. Some families entered into marriage agreements under which girls from rural areas as young as 12 or even younger were sent to their husband's families under the "supervision" of their mothers-in-law. The Ministry of Population, Women's Promotion, and Child Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders of rural communities to the problem of underage marriage.

Child prostitution was a problem. The Penal Code criminalizes the procurement of a minor for the purpose of prostitution. Altho

The constitution and law require the government to 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.

Infanticide occurred, and at least half of the female prison population was charged with this crime.

Many displaced boys from rural areas were indentured to Islamic schools and begged on the streets of larger cities. Hundreds of children were displaced by the famine and floods. Displaced children had access to government services (see section 2.d., IDPs).

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 government services, and the government generally enforced these provisions. The law mandates that the state provide for such individuals, but there were no specific regulations mandating accessibility to buildings, transportation, and education for persons with disabilities. 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, Women's Promotion, and Children's Protection is responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

There were no reports of abuse of persons with disabilities in educational facilities. In May the country adopted a law determining regulations for the social protection of persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing sexual orientation. There were no known organizations of lesbian, gay, bisexual, or transgender persons and no reports of violence against individuals based on their sexual orientation or gender identity. However, gay persons experienced societal discrimination.

Other Societal Violence or Discrimination

Persons with HIV/AIDS experienced societal 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 7 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.

The country had a total workforce of 4.36 million in 2008. Only 20 percent of this number, mainly from the public sector (7 percent) and the parastatal and formal private sectors (13 percent), belonged to trade unions. Approximately 80 percent of the workforce worked in the nonunionized subsistence agricultural and small trading sector.

The constitution and statutes provide for the right to strike, except for police and other security forces, and workers exercised this right. The labor code does not contain provisions that restrict the right to strike. Workers need only give employers at least three days' advance notice. On several occasions during the year, the TGON filed lawsuits before the Tribunal of Niamey, which ruled some strikes proposed by unions to be illegal on the grounds that they involved political rather than labor issues. There were several strikes during the year, mainly in the education sector. From late September until November, the Syndicat National des Enseignants et Chercheurs du Supérieur (higher education teachers' union--SNECS) observed a series of strikes to protest recent reforms proposed by the government, relating to the national university's bylaws including the appointment of the university rector by the government (as opposed to the current practice of electing the rector from among faculty members); the transformation of the regional University Institutes of Technology into full-fledged universities; and the redeployment of teachers nationwide. The SNECS demanded that the university's "autonomy" be maintained and that any reform be discussed with all stakeholders of the higher education system. It further demanded the resignation of the minister of higher education. On one occasion, the TGON filed a lawsuit and won when the court ruled that the strike was illegal. The TGON took no further legal action until the resolution of the crisis via negotiation in late November.

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. There were several collective agreements during the year, although the exact number is not

available. During Tandja's tenure, the government often harassed labor unions that opposed its actions. There were no reports of antiunion activities or employer interference under the TGON.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except for legally convicted prisoners, and prohibits slavery. It does not, however, 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, Djerma, 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 social order. Estimates of numbers vary widely, from a 2004 estimate of 8,800 persons to a 2003 estimate of 43,000. Such persons are forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children become the property of their masters and can be passed from one 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.

Although the government publicly banned slavery in 2003, slaves continued to be liberated and given manumission certificates. Individuals had the legal right to change their situation, and it was illegal for their masters to retain them; but most victims of slavery did not act on their rights. Fear, physical or social coercion, and lack of viable economic alternatives for freed slaves were factors in maintaining the slave-master relationship.

On April 27 and 28, the Ministry of Labor, with support from International Labor Organization's International Program for the Elimination of Child Labor (ILO/IPEC), organized a workshop to educate 22 musicians, actors, and comedians about the worst forms of child labor and how they can fight against it by raising public awareness through songs, plays, skits, dances, and other action.

On June 8, upon a complaint lodged by the country's branch of the Coalition of African NGOs Working with Children (CONAFE-Niger), the tribunal of Madaoua arrested two suspected traffickers who used five girls under the age of 15 in a prostitution ring. CONAFE-Niger retained legal counsel for the girls and on June 29, each defendant received a six-month suspended sentence and a 50,000 CFA (\$100) fine. CONAFE-Niger, gave the girls counseling, training, and material support to start their own businesses.

On August 9 and 10, the Ministry of Labor, in conjunction with ILO/IPEC, organized a capacity-building workshop in Niamey for labor unions, employers' organizations, government agencies, implementing agencies, and the media, based on results of a previous training program entitled "Understanding and Fighting Children's Use in Domestic Labor in Francophone Africa," held in Morocco.

On September 2, the Nigerien Association for the Defense of Human Rights, in collaboration with the Ministries of Defense and Justice, organized a capacity-building workshop for police, gendarmes, and national guard on the protection of human rights including gender issues, child protection, and trafficking in persons.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 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 labor. Those children 14 to 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 provide minimum sanitary working conditions for children.

In 2008 the country's unions and women's associations stated that 46 percent of school-age children worked under difficult conditions, performing work beyond their physical abilities in mines, slaughterhouses, and domestic work.

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 made them beg and do manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona (a source of sodium carbonate compounds), salt, and gypsum mines. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, insufficient lighting, and alcohol and substance abuse. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders.

Child trafficking, prostitution, forced labor, and traditional caste-based servitude and slavery occurred. There were reports that some child prostitution existed along the main East-West highway, particularly between the towns of Birni, N'Konni, and Zinder along the Niger-Nigeria border. In all regions, some local religious teachers and loosely organized clandestine networks induced young boys to work as beggars and manual laborers and young girls to work mainly as domestic servants and occasionally as prostitutes, sometimes with the complicity of their families. Children were also internally trafficked for work in mines (see section 7.c.).

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 child labor inspections during the year.

The Ministry of Mining reportedly sought to make artisanal mining licenses contingent upon agreements not to use child labor, but this proposal was not adopted.

The government also worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The government supported a 2006-10 foreign donor program with funds of 1.5 billion CFA (\$3.3 million) for the prevention and

On July 18 to 23, following an invitation by the Ministry of Labor, officials from the ILO Dakar Regional Office visited to initiate consultations for developing a "decent work" (acceptable conditions of work) program for the country.

In December 2009 the Child Labor division of the Ministry of Labor, in conjunction with ILO/IPEC, organized a session for its members and local and international partners to approve Niger's report in line with the "Cross-Border Survey on Child Labor in Traditional Gold Mining in Burkina Faso, Mali, and Niger." The study was completed during the year and was awaiting adoption by the government.

On January 21, the Child Labor division of the Ministry of Labor in conjunction with ILO/IPEC organized a sensitization session for its members and local and international partners in line with its policy of "strengthening the institutional

capacity of the national child labor division and supporting the installation of a pilot system to monitor child labor in the regions of Dosso, Maradi, Tillabery, Tahoua, Zinder, and Niamey Commune V." The session provided participants with information and training tools to address problems related to child labor.

On June 7 to 9, Cameroon, the Central African Republic, Niger, Nigeria, Sudan, and Chad, with support from UNICEF, held a regional conference on the enrollment of children in armed groups and conflicts. In a joint declaration, the six countries outlined their commitment to child protection in line with global standards, including those in the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict. The declaration also seeks to enhance education and employment opportunities for children once they have left armed groups. A committee has been established to monitor implementation of the outcome. The country has neither ratified nor signed the optional protocol. The Ministry of Women's Promotion and Children's Protection is working with other government agencies, and international organization and NGO partners are advocating ratification of the protocol.

By year's end, the government had not adopted the National Action Plan on the Fight against the Worst Forms of Child Labor. 1

The Ministry of Labor had approximately 100 inspectors deployed nationwide.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 (\$57) per month, with an additional 1,000 CFA (\$2) added per child per month. 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 responsible for enforcing these standards, although staff shortages caused inspectors to focus on safety violations only in the most dangerous industries: mining, building, and manufacturing. The government effectively enforced standards within these 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. In practice, however, especially in the nonunionized, informal sector, it was unlikely that they could exercise this right without jeopardizing their employment. There are no exceptions from such protections for migrant or foreign workers.

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