

# NIGER

## EXECUTIVE SUMMARY

Niger is a multiparty republic. On March 14, voters elected opposition leader Issoufou Mahamadou president in a poll characterized by international observers as generally free and fair. National Assembly elections held on January 31 were also deemed free and fair. Issoufou replaced former interim president Salou Djibo, who had been appointed by the Supreme Council for the Restoration of Democracy (CSRD) after it overthrew then president Mamadou Tandja in February 2010. On May 10, the Niamey Court of Appeals ordered the release of Tandja, who had been detained since February 2010. Most former government officials also detained with Tandja were released during the year. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of civilian control. In July members of the military were arrested for an unsuccessful coup attempt, although details remained unclear at year's end.

The most serious human rights problems in the country included harsh and life-threatening prison and detention center conditions, discrimination and violence against women and children, and forced labor and caste-based slavery among some groups.

Other human rights problems included extrajudicial killings and use of excessive force by security forces. Attacks by armed groups also resulted in deaths. Arbitrary arrest and detention, prolonged pretrial detention, and executive interference in the judiciary occurred. The government restricted freedoms of press, association, assembly, and movement, although such incidents dramatically decreased from previous years. Official corruption was pervasive. Female genital mutilation (FGM), trafficking in persons, and child labor occurred.

The government generally took steps to prosecute officials who committed abuses; however, impunity was a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any politically motivated killings; however, security forces were responsible for killing two demonstrators and for the deaths of two civilians during security patrols in the north.

On January 12, security forces killed a civilian near Taddara Well, in Agadez Region, following a skirmish between government forces and purported drug traffickers or members of al Qaida in the Islamic Maghreb (AQIM) that resulted in the death of a soldier. Civilians in Arlit organized a protest march to condemn the incident, after which local authorities mediated a settlement with the victim's family.

On September 15, in northern Aïr, a military detachment in pursuit of a truck suspected of carrying recruits for AQIM killed the driver of the truck. Authorities later determined the 59 suspected AQIM recruits were migrants en route to Algeria. On October 1, local officials offered the government's condolences and apology to the victim's family.

On December 6, at the city courthouse in Zinder, police used batons, whips, and tear gas to disperse demonstrators protesting the trial of a political activist. Laminou Mai Kanti, a student demonstrator, was struck in the head with a tear gas canister and died; numerous other demonstrators were injured, including 13 who were hospitalized. The officer suspected of firing the tear gas canister was arrested and placed in custody. On December 7, students and other demonstrators took to the streets to protest the previous day's violence. A female bystander was killed by a stray bullet fired by a police officer. An investigation into both incidents continued at year's end.

Disputes between herders and farmers over land rights and grazing areas continued and resulted in several deaths.

During the year armed bandits--most of whom entered the country from Mali on motorcycles--attacked herder camps in Tillabery Region, resulting in numerous deaths, injuries, and loss of livestock and other property. Two persons were killed in such an attack on January 26, in the village of Kosseye; six herders were killed on April 10, in Igaran; 18 persons were killed on April 21, including women and children, in an attack in Innabaguel and Tingara; four persons, including two young children were killed on May 26 in the village of Sounka; 11 persons were killed on May 28 in northern Tillabery; and 10 herders were killed on June 17, in Hollé Hamani, Tillabery. On June 22, the government announced a Nigerien-Malian joint security operation to eradicate the violence and to bring the

perpetrators to justice. Nevertheless, no investigations or prosecutions were conducted during the year into any of the attacks, and several human rights and community groups criticized government inaction.

On July 21, in Banibangou, Tillabery, the prime minister chaired a meeting between Nigerien and Malian officials and community leaders to find a sustainable solution to the problem. As a result, on July 29, the Daoussaq Tuareg community of Menaka and Ansongo, Mali, formally pledged to stop all acts of violence against the Nigerien Fulani community. On August 2, in Menaka, Mali, the Nigerien and Malian parties agreed to the accord, and there were no further attacks by year's end.

On February 8, the Court of Justice of the Economic Community of West African States (ECOWAS) issued its verdict on the government's investigation into the army's 2007 killing of six civilians and an off-duty police officer near Tiguidit. The court ruled that the soldiers accused of the killings had amnesty under Nigerien law, but that the government was responsible for the deaths and had violated the right of victims' families to seek legal recourse. The court set March 10 as the date by which victims' families, who brought the case, were required to file civil suit to seek compensation; however, the families decided against proceeding with such action.

### **b. Disappearance**

On January 7, in Niamey, French citizens Antoine de Leocour and Vincent Delory were kidnapped and then taken to northern Mali. French and Nigerien troops launched two failed operations to rescue the hostages, who were found dead at the border between Niger and Mali. Four kidnapers and three members of Niger's security forces were killed in the operation. AQIM claimed responsibility for the abductions and for killing Leocour.

On February 25, elements of AQIM believed to be resident in Mali released three hostages abducted in September 2010 in the mining town of Arlit. Four French hostages kidnapped at the same time remained in captivity in Mali; a fifth French hostage was killed in July 2010.

### **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 and abused civilians (see section 2.b.).

According to press reports, on May 31, National Guard members in Aderbissinat, a village south of Agadez, beat and injured several persons during a brawl between young villagers and National Guardsmen over a personal dispute. There was no reported action taken against the Guardsmen.

### **Prison and Detention Center Conditions**

Conditions in the country's 38 prisons were harsh and life-threatening. Prisons were underfunded, understaffed, and overcrowded. The Niamey Civil Prison, built for 350, held 750 inmates. Nutrition, sanitation, and health conditions were poor, although prisoners had access to potable water and were allowed to receive supplemental food, medicine, and other items from their families. Basic health care was available, and patients with serious illness were referred to public healthcare centers. Ventilation and lighting were inadequate. Plans to improve recordkeeping were not implemented during the year.

The country's prisons held approximately 7,000 inmates, an estimated 3.2 percent of whom were female. Deaths occurred during the year from HIV/AIDS, tuberculosis, and malaria, although no statistics were available. Pretrial detainees were held with convicted prisoners.

There were reports of corruption among prison staff. Prisoners could bribe officials to leave prison to run personal errands, and some prisoners bribed officials to serve their sentences in the national hospital in Niamey.

Prisoners and detainees had reasonable access to visitors. All penitentiaries had places of worship, and prisoners were permitted religious observance. Prisons had no ombudsmen, but authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship.

Judicial authorities and the governmental Monitoring Unit 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 ONDHLF visits.

The International Committee of the Red Cross (ICRC), 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 made recommendations to the government throughout the year on alternatives to incarceration for nonviolent offenders. The government established a law on the implementation of “general interest work” programs in juvenile courts.

#### **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 be 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 a 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 arrest warrants, and authorities generally respected this law in practice; however, some persons reportedly were arrested and subsequently charged during detention. The law allows individuals to be detained for an initial period of 48 hours without charge, and an additional 48 hours if

police need more time to gather evidence, although detainees involved with sensitive cases were sometimes held longer than legally permitted. Security forces usually informed detainees promptly of the charges against them. 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 provision. Indigents in civil and criminal cases were usually provided a lawyer by the government; however, widespread ignorance of the law and lack of funds prevented many from fully exercising their rights to bail and an attorney.

Arbitrary Arrest: Police arrested a journalist, military leaders, and occasionally conducted warrantless sweeps to detain suspected criminals (see sections 2.a. and 3).

Police arbitrarily detained a journalist during the year (see section 2.a.).

On March 4, the CSRD released former minister of interior Albade Abouba, who was arrested with other key members of Tandja's cabinet in February 2010. All but Abouba were released during the previous year.

On May 10, the Niamey Court of Appeals ordered the release of former president Tandja, who had been detained since February 2010. The court dropped corruption charges against Tandja, although state prosecutors may review the case and initiate new action if they determine there is new evidence.

On May 19, the State Court ordered the release of Colonel Abdoulaye Badie, former CSRD permanent secretary; Colonel Abdou Sidikou Issa, former commander of the National Guard; Colonel Amadou Diallo, former minister of equipment; and Colonel Aboubacar Amadou Sanda. The four had been arrested in October 2010 on charges of planning to overthrow then president Salou Djibo. The court ruled there were no grounds for prosecution. Other alleged plotters already had been released between December 2010 and March. Lengthy pretrial detention was a problem. 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 of the prisoners in Niamey's Civil Prison were awaiting trial. Judicial inefficiency, inadequate resources, staff shortages, and corruption contributed to trial delays.

Amnesty: On May 18, the National Assembly adopted an amnesty law that includes a provision to cover the “authors, coauthors, and accomplices” of the February 2010 military seizure of power. The new law omits amnesty for persons involved in the 1996 and 1999 coups. No action had been taken on the complaint filed in 2010 by family members of former president Bare, who sought to bring to justice those responsible for his killing in 1999.

### **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 remained problems. Unlike in previous years, however, no judges were reassigned to lower positions or remote areas because they rendered decisions 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 (see section 4).

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. 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.

### **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 and evidence 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. In April 2010 the government disseminated information brochures throughout the country to advise the public on their legal rights and the court system.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

On September 4, at the request of the international community, security forces placed 32 Libyans connected to the Qadhafi regime under house arrest in Niamey. One was later released for medical reasons and left the country.

On September 9, the gendarmerie arrested Colonel Abdoulaye Badie, former CSRD permanent secretary, and Colonel Hamadou Djibo, reportedly for authoring and disseminating a tract calling on the military to take up arms against the government. (On May 19, Badie had been released from prison after being detained in connection with the October 2010 coup attempt against then president Djibo.) Some observers questioned any involvement by Badie and Djibo in the tract and suggested the men were more likely arrested for posing a potential threat of a military coup due to their popularity with the military. On November 10, Badie and Djibo were released; Badie subsequently was named to a foreign posting with the government.

### **Regional Human Rights Court Decisions**

On February 8, the ECOWAS Court of Justice gave its verdict on the government's investigation into the army's 2007 killing of six civilians and an off-duty police officer near Tiguidit (see section 1.a.). The government accepted the decision.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations; they can also appeal decisions to the ECOWAS Court of Justice.



## **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**

#### **Status of Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice.

In 2010 the government decriminalized press offenses and replaced the repressive High Council on Communication with the National Monitoring Unit for Communication (ONC), which subsequently reopened media outlets and issued new licenses and license extensions for several private television and radio stations. The government also opened a media center to train journalists and created a voluntary media ethics center to allow journalists to self-regulate the industry by monitoring broadcasts and publications.

Despite these improvements, the government's control of media licensing, the requirement that journalists be accredited, and a biased judiciary remained in place and limited media freedom. During the year the government also suspended newspapers and detained a journalist. Journalists continued to practice self-censorship.

Freedom of Speech: Individuals generally could criticize the government publicly or privately without reprisal.

Freedom of Press: The government published a daily newspaper, and there were approximately 45 private newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

On September 24, the government issued a public statement cautioning the media against "manifest intention to undermine" the state. The government called on media managers to be responsible and patriotic, and to comply with the rules of

ethics governing the practice of journalism. The government took no further action.

Violence and Harassment: On July 8, the ONC temporarily suspended eight newspapers for “unwarranted attacks on citizens by flagrantly violating the provisions of the charter of professional journalists.” Most observers agreed that the articles in question contained exaggerations, but did not constitute libel. Complaints against the newspapers and journalists reportedly were lodged by various politicians, businesspersons, a foreign newspaper, and local newspapers *Le Soleil*, *L’Actualite*, *Le Visionnaire*, *Le Courrier*, *L’Expression*, *Le Canard Dechaine*, *l’Evenement*, and *l’Enqueteur*.

Libel Laws/National Security: On July 21, police detained Aliou Oumarou Modibo, journalist for the weekly *Le Canard Dechaine*, on libel charges for accusing the press attache of former CSRD president Salou Djibo of stealing a camera from the president’s office. Several media associations denounced the detention as a violation of the law decriminalizing press offenses. An investigation later concluded that the press attache was guilty of stealing the camera.

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 and they often criticized the government.

Unlike in the previous year, there were no reports that the government prevented international media from operating freely, especially when covering events in the North. BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America, Radio France International, and Deutsche Welle.

Two government-owned television stations broadcast in French and the major national languages. Three private television stations broadcast local and foreign programming, including daily newscasts. A fourth private channel broadcast religious programming. International channels were available in Niamey.

### **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 had access to it.

## **Academic Freedom and Cultural Events**

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

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

#### **Freedom of Assembly**

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

For example, on May 19, police beat several students and briefly detained six others during a protest at a mining school in Agadez. No reported action was taken against the police.

Police use of excessive force to disperse demonstrators on December 6 and 7 resulted in deaths and injuries (see section 1.a.).

No action was taken against security force members who forcibly dispersed demonstrators in 2010.

#### **Freedom of Association**

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

Unlike in the previous year, the government did not close civil society associations; in 2010 three were closed.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

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

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, asylum seekers, and other persons of concern.

In-country Movement: 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.

Foreign Travel: During the year the government banned 32 former officials, political leaders, and businesspeople suspected of corruption from leaving the country (see section 4). The action was taken following the April 7 transfer of corruption cases from the transition government and pursuant to an audit of corruption in the previous government.

Emigration and Repatriation: During the year approximately 210,000 persons--most of whom were Nigerien citizens--fled Libya as a result of the conflict there and returned to Niger. The government and humanitarian organizations provided assistance to returnees.

### **Internally Displaced Persons (IDPs)**

Food shortages and floods during the year resulted in the displacement of many persons.

By October, after the rainy season, all persons displaced by floods in August 2010 had returned to their homes. Local authorities, with the help of humanitarian organizations, had resettled approximately 6,000 persons displaced by flooding in Niamey and 11,000 IDPs from Goure, Zinder, during the previous year.

International humanitarian organizations reported that community conflict between farmers and herders, and rural communities and bandits--especially in northern Tillabery Region--resulted in displacement. 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 contributed to conflict. In addition, incursions by members of AQIM in Mali into Nigerien territory and sporadic acts of banditry on main roads contributed to displacement.

Efforts by the government and international organizations to assist IDPs during the year were severely taxed. The government provided 1.25 billion CFA francs (\$2.5 million) to help alleviate food shortages exacerbated by the return of thousands of citizens who fled Libya, and on October 6, parliament appealed to the international community for assistance. Some donors, such as the World Food Program, provided additional food assistance in response to the shortages.

### **Protection of Refugees**

The government has not established a system for providing protection to refugees, and the government did not routinely grant refugee status or asylum. The government did, however, grant refugee status to approximately 300 people during the year; 147 applications for refugee status were pending.

Temporary Protection: During the year the government provided temporary protection to individuals who may not qualify as refugees under the 1951 Refugee 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, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

### **Elections and Political Participation**

Recent Elections: On March 14, citizens elected Issoufou Mahamadou to a five-year presidential term with 58 percent of the vote in an election that international observers described as generally free and fair. A coalition composed primarily of opposition parties--including Nigerien Party for Democracy and Socialism (PNDS), Movement for Democracy in Niger, Social Democratic Rally, Rally for Democracy and Progress, Nigerien Alliance for Democracy and Progress, and Union for Democracy and the Republic--backed Issoufou and won 83 of 113 National Assembly seats in legislative elections held on January 31. The

opposition National Movement for a Development Society won 26 seats, and the Social Democratic Convention and the Union of Independent Nigeriens obtained three seats and one seat, respectively. Issoufou appointed PNDS party member Brigi Rafini as prime minister.

In November 2010 a new constitution was enacted and provides for new and strengthened democratic institutions. The new constitution also provides for the elimination of all forms of discrimination against women and introduces basic standards of respect for economic and social rights, such as the right to safe and adequate food and drinking water.

Political Parties: Political parties operated without restriction or outside interference. Individuals and political parties could freely declare candidacies and stand for election. A new law on the statute of the opposition confers official status and benefits to the opposition leader equivalent to the rank of state institution leader. The law also mandates that the president meet with the opposition leader every month to discuss matters of national interest.

Participation of Women and Minorities: The law mandates that women fill at least a quarter of senior government positions and at least a tenth of elected seats. There were six female ministers in the 26-member cabinet and six 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 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 often demanded bribes to provide public services. A poorly financed and trained law enforcement system and weak administrative controls compounded corruption. Other underlying causes included 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.

In June the government revealed a case of massive fraud involving 1.8 billion CFA (\$3.6 million) from the National Treasury that resulted in the dismissal of several senior officials of the Ministry of Finance. In connection with this case, on August 9, authorities detained Alhassane Alkali, the former transition president's deputy cabinet director; Ibrahim Garba, former secretary general of the Ministry of Finance; Amadou Ganda Hamidou, budget director; Bassirou Adamou, financial controller; Abdoullahi Beidou, director general of the Treasury; Mahamane Lawan Sabo Mazadou, treasury accounting agent; Sidi Aissa Diallo, head of the Heavily Indebted Poor Countries fund at the Ministry of Finance; and Abdou Mounkaila and Oumarou Akibi, employees of Zakou Djibo, a businessman and member of parliament who received payment the above amount. All but Djibo were transferred to prison to await trial. Djibo was charged with several fraud and corruption counts, but has immunity from prosecution while he is a member of the National Assembly. On December 23, the government requested the lifting of his immunity, along with seven other members of parliament suspected of involvement in separate corruption cases.

In April the Court of Appeals granted provisional release to Amadou Dioffo, director general of Sonidep (fuel importation and distribution company), who was detained in November 2010 for the mismanagement of a government special account with a balance of 3.6 billion CFA (\$7.2 million). No date had been determined for his trial.

No trial dates were set for the following individuals, all of whom were detained for corruption in 2010 and granted provisional release during the year: Hadia Toulaye Tandja, the son of former president Tandja; manager of Multimedia Communications Ibrahim Hamidou; former minister of mines Mohamed Abdoulahi; and former secretary general of the Ministry of Mines Massalabi Oumarou.

There also were no developments in the 2010 embezzlement case of Seini Oumarou, party leader of the National Movement for a Development Society; Sala Habi, former minister of commerce; and two other officials of the Ministry of Commerce.

During the year the government took steps to curb corruption.

For example, on July 26, the government created the High Authority to Combat Corruption and Associated Crimes, under the oversight of the President's Office. Members of the High Authority, which is charged with monitoring the government's anticorruption programs, included government, private sector, and civil society representatives.

On August 2, the National Assembly passed a bill amending the constitution to require transparency, equal access and treatment, and public-private partnership mechanisms in bidding for and implementing government contracts, in compliance with West African Economic and Monetary Union guidelines.

On August 13, the government launched an anticorruption hotline as part of the Ministry of Justice's plan for the fight against corruption and influence peddling.

The State Inspectorate and the courts are responsible for combating government corruption. In April 2010 the government created the State Audit Court to regulate public finances and 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 may 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.

The constitution requires 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, and this occurred in practice. 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 law provides for access to public information and administrative documents, and this occurred in practice; many documents could also be obtained from individual ministries and the National Archives.



## **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 there.

The ONDHLF, established in May 2010, investigated and monitored prison and detention center conditions; however, it lacked resources to implement an action plan.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally enforce these provisions, in large part because victims did not report discrimination or were pressured into handling it with traditional dispute mechanisms.

### **Women**

Rape and Domestic Violence: Rape was a widespread problem. It is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. The Court of Appeals tried several criminal rape cases during the year, but most cases went unreported due to the victims' fear or shame. The law does not explicitly recognize spousal rape, which was not frequently prosecuted. Survivors often sought to resolve the issue within the family or were pressured to do so, and many victims did not report spousal rape due to fear of retribution or loss of economic support.

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 (\$20) 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, further violence, or stigmatization. The Ministry of Population, Women's Promotion, and Children's Protection, international organizations, nongovernmental organizations (NGOs), and women's organizations conducted public awareness campaigns on violence against women through several events that received wide media coverage.

Female Genital Mutilation (FGM): (see section 6, Children--Harmful Traditional Practices.)

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences from three to six months and fines of 10,000 to 100,000 CFA (\$20 to \$200). 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 (\$40 to \$400). Sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; however, 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 of Public Health, use of contraceptives in the female population of childbirth age increased from 8.5 percent in 2006 to 16.5 percent in 2010.

Men and women received equal access to diagnosis and treatment for sexually transmitted diseases. 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, many 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 Ministry of Public Health, in 2009 skilled personnel attended 34.8 percent of births, and the maternal mortality ratio (the ratio of the number of maternal deaths per 100,000 live births) dropped from 648 in 2006 to 554 in 2010. In 2008 a woman's lifetime

risk of maternal death was one in 16. Major factors influencing maternal mortality included lack of prenatal care, diseases during pregnancy, infections after birth, malnutrition, and accidents during childbirth.

Discrimination: Although the constitution provides for equal rights regardless of gender, women do not have the same rights as men under family law, which is usually adjudicated 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. 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.

The government had programs to provide microcredit, access to clean water, and access to health services for women.

## **Children**

Birth Registration: Citizenship is derived from one's parents. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. With the support of UNICEF, the government worked to address this problem, and several NGOs encouraged birth registration. The government's failure to register births did not result in denial of public services, although it complicated the process of qualifying as a candidate for public office.

Education: In principle, the six years of elementary education were compulsory, tuition-free, and universal from the age of six; in practice, not all (63 percent in 2007-08) children attended school. Students were often required to buy their own books and supplies. According to the 2012 World Development Report, the primary school completion rate for girls was 75 percent lower than that for boys in 2008. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years. During his inauguration ceremony on April 7, the president announced that the government would provide free education to children until the age of 16, and that education through age 16 would be

mandatory; however, no laws were promulgated during the year to enforce the president's pledges.

Child Abuse: 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.

Child Marriage: 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 rural girls 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 Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders of rural communities to the problem of underage marriage.

Harmful Traditional Practices: 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. 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 nomadic 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 continued its collaboration with local NGOs, community leaders, UNICEF, and other donors to distributed educational materials at health centers and to participate in educational events. On February 5, in Niamey, 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 minister handed over to the National Museum a set of tools used by women who in previous years had publicly pledged to abandon the practice of FGM. The tools were presented as evidence that FGM continued and to spur future generations to carry on the fight against the practice. The minister announced the establishment of 256 FGM

vigilance groups and the production of information, education and communication aids on FGM. On July 1, as a result of the education campaign led by ministry and the NGO Committee for the Fight against Harmful Traditional Practices, several FGM practitioners pledged to abandon their activities.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem. The law does not provide a minimum age of consensual sex, although it prohibits “indecent” acts toward minors. It was left to judges 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. This provision also applies to child pornography. There were reports that girls in particular were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n’Konni and Zinder along the Niger-Nigeria border. Families of victims were often complicit in child prostitution.

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

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools and begged on the streets of larger cities. For example, in June about 350 boys left their homes in Tahoua Region to accompany an Islamic teacher to the city of Agadez, where they were forced to beg. About half of them were later returned to their homes through the help of NGOs. Hundreds of children were displaced by floods in the Maradi and Tillaberi regions that destroyed homes and schools. Displaced children had access to government services (see section 2.d.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/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 provided 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.

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

There are no laws criminalizing consensual same-sex sexual activity in general. However, the law states that an "unnatural act" with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of between 10,000 and 100,000 CFA (\$20-\$200). Although there was no record of this law being applied, gay men and lesbians experienced societal discrimination. 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.

### **Other Societal Violence or Discrimination**

Persons with HIV/AIDS experienced societal discrimination, although 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. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The constitution and law provide for the right to strike, except for police and other security forces. The law restricts the right to strike by public servants, and workers in certain “essential services,” the scope of which term was broader than that originally envisioned by the ILO convention. Workers need to give employers at least three days' advance notice. The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity.

These rights were respected and workers exercised them in practice. Worker organizations were generally independent of the government and political parties. However, approximately 80 percent of the workforce was employed in the nonunionized subsistence agricultural and small trading sectors. During the year unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions. There were no reports of antiunion activities or employer interference and no reports of violations related to collective bargaining during the year.

#### **b. Prohibition of Forced or Compulsory Labor**

Article 4 of the Labor Code prohibits most forms of forced or compulsory labor. The term “forced or compulsory labor” means “any labor or service required of a person under the threat of punishment and for which the individual has not given full consent.” The law does not specifically prohibit forced or compulsory labor by children. Per Article 333 of the Labor Code, violations of Article 4 are subject to fines from CFA 20,000 (\$40) to 200,000 (\$400) and six days' to one month's imprisonment. The government did not effectively enforce these laws.

Forced labor remained a problem. On September 21, the Ministry of Labor and Civil Service chaired a ceremony to validate the results of a study conducted by the government and the ILO that concluded, based on the 2009 population, that the prevalence of adult forced labor was 1.1 percent of the adult population nationwide (an estimated 60,000 persons) and 2.8 percent of working children nationwide (an estimated 55,000). This percentage was higher in the regions of Tillabery, Tahoua, and Maradi. A traditional form of caste-based servitude or bonded labor was still practiced by the Tuareg, Djerma, and Arab ethnic minorities throughout the country, 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 varied widely, from a 2004 estimate of 8,800 persons to a 2003 estimate of 43,000. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age. Girls could be sexually abused by men in the household or forced to marry at a young age.

There were reports that some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. Children were also forced to work in mines.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. However, enforcement of the laws was sporadic. The National Committee to Combat Forced Labor and Discrimination did not develop an action plan.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The Labor Code prohibits the use of child labor; however, the law was rarely applied to work performed by children in the nonindustrial/informal sector. The law prohibits the employment of children under the age of 14, except as authorized by decree. 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. 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.



The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. 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 Ministry of Education conducted training sessions to help educators meet the special needs of child laborers. Despite the president's announcement that he would make schooling compulsory through age 16, the government did not create legislation to this effect. The government, however, continued its cooperation with ILO to eliminate child labor in the mining sector.

The use of child labor was rampant. A study published during the year by the government and ILO indicated that in 2009, 50.6 percent of children between the ages of five and 17 years old were engaged in labor, and 42.1 percent of children in this age group were engaged in the worst forms of child labor.

Children worked in the agricultural, commercial, handicraft, mining, 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. The artisanal gold mines at Komabangou, Tillabery Region, continued to operate using child labor, and artisanal gold mining at nearby M'Banga expanded. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for prostitution.

Also see the Department of Labor's *Findings on the Worst forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. 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. The lowest minimum wage was 28,347 CFA (\$57) per month, with an additional 1,000 CFA (\$2) added

per child per month. The government used 1,000 CFA (\$2) per day as the poverty income level, and in 2010 the government reported that 59.5 percent of citizens lived below that level.

The formal sector legal workweek was 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor and Civil Service 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. The Labor Code establishes occupational safety and health standards. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs. There are no exceptions from such protections for migrant or foreign workers.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal sector. The ministry 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.

Violations of wage, overtime, and work conditions were reported in the petroleum and mining sectors, including gold mines, oil wells, and oil refining. 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. In the nonunionized, informal sector, despite the law, it was unlikely that they could exercise this right without jeopardizing their employment.