

# **NIGER 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Niger is a multiparty republic. President Issoufou Mahamadou won a second term in 2016. He won 92 percent of the vote in a second round boycotted by the opposition. The African Union certified the election as free and fair despite the criticism of some domestic observers who noted the jailing of the leadership of the lead opposition party among other irregularities. The government refused to follow a Constitutional Court ruling in 2017 for a parliamentary election in the district of Maradi to replace a representative who had died. The political opposition boycotted a political mediation council and the newly formed National Independent Electoral Commission through much of the year.

Civilian authorities maintained effective control over the security forces.

Human rights issues included unlawful killings and forced disappearances by the government, allied militias, terrorists, and armed groups; arbitrary arrest and detention by government security forces and armed groups; harsh and life-threatening prison and detention center conditions; political prisoners; substantial interference with the rights of peaceful assembly and freedom of association; reported government support of Malian armed groups accused of unlawful recruitment or use of child soldiers; trafficking in persons; lack of accountability for cases of violence against women due in part to government inaction; caste-based slavery and forced labor, especially forced or compulsory or child labor.

The government took some steps to prosecute officials who committed abuses, but impunity remained a problem.

Terrorist groups targeted and killed civilians and recruited child soldiers. The government reportedly provided some limited material and logistical support in Niger to a Mali-based militia, the Imghad Tuareg and Allies Self-Defense Group (GATIA), a group that has been reported to recruit and use child soldiers. The government was involved in campaigns against terrorist groups on its borders with Mali, Nigeria, Cameroon, and Chad, and it was wary of increasing terror attacks in Burkina Faso and spillover from insecurity in Libya.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government and its agents committed arbitrary or unlawful killings. For example, the armed forces were accused of sometimes executing persons believed to be fighting with extremist groups in both Diffa and Tillabery Regions rather than holding them in detention. There was evidence in Tillabery Region that the government allowed Malian militia groups to operate in Nigerien territory and may have at times collaborated with or provided limited material and logistical support to them. Malian militia groups the Movement for the Salvation of Azawad and GATIA were accused of committing human rights abuses on Nigerien soil, including kidnapping and killing persons believed to be collaborating with extremist groups.

The governmental National Human Rights Commission (CNDH) reported receiving several complaints about arbitrary and unlawful killings attributed to security forces and to Malian militias operating within conflict areas of the country. The CNDH had limited resources to investigate the complaints.

Armed terrorist groups including Boko Haram and groups affiliated with al-Qaida, ISIS in the Greater Sahara (ISIS-GS), and ISIS-West Africa (ISIS-WA) attacked and killed civilians and security forces (see section 1.g.).

### **b. Disappearance**

There were some reports of disappearances perpetrated by security forces in both Tillabery and Diffa Regions. For example, unidentified sources alleged that soldiers detained some youths who returned to a town in the Diffa area the day after it had been the focus of a Boko Haram attack, and the youths were reportedly not seen again.

There were also several instances of kidnappings by armed groups and bandits (see section 1.g). For example, unidentified armed persons kidnapped the mother and sister of a parliamentarian in the Diffa Region on September 3. The kidnappers released the two on September 16, probably after the payment of a ransom.

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

The constitution and law prohibit such practices; however, there were reports security forces beat and abused civilians, especially in the context of the fight against terrorism in Diffa and Tillabery Regions. Security forces were also accused of rape and sexual abuse, which the government claimed to investigate. For example, the government reported that the state prosecutor was investigating three rapes attributed to agents of local security forces in the Diffa Region.

There were indications that security officials were sometimes involved in abusing or harming detainees, especially members of the Fulani minority or those accused of affiliation with Boko Haram or other extremist groups. There were allegations that security forces and local leaders in the Diffa Region would harass or detain citizens they accused of collusion with Boko Haram, forcing the citizens to pay a “ransom” to end the harassment.

As of October the CNDH, to the extent that resources allowed, was investigating allegations that security forces or agents of the government had committed extrajudicial killings, abuse, and disappearances. The government and military reportedly also investigated these accusations, although no information was available on their conclusions.

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

Conditions in the prisons were harsh and life threatening due to food shortages, overcrowding, and inadequate sanitary conditions and medical care.

Physical Conditions: The government reported in October there were 39 prisons designed to hold 10,005 persons. According to the government, prisons held 9,570 inmates; however, human rights observers stated that overcrowding remained a widespread problem. For example, in Kollo Prison, prisoners slept outside in the courtyard due to lack of space inside the wards. Prison officials held female inmates in separate quarters that were less crowded and relatively cleaner than men’s quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes, although they held some juvenile prisoners with adult prisoners. The prison system made no provision for special services for detainees with disabilities. Authorities held pretrial detainees with convicted prisoners.

Prison deaths occurred regularly, some from malaria, meningitis, and tuberculosis, but no statistics were available.

Nutrition, sanitation, potable water, and medical care were poor, although officials allowed inmates to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers.

Administration: Judicial authorities and the CNDH investigated and monitored prison and detention center conditions and followed up on credible allegations of inhuman conditions. Prison management generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted monitoring visits during the year.

Improvements: The Ministry of Justice stated that access to fresh water had improved in some prisons. The government built two new detention centers in the Maradi Region.

The ICRC worked with local prison administration to facilitate family visits for those detained in connection with the conflict in Tillabery and Diffa Regions and imprisoned far from their families in Niamey.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours, but police occasionally violated these provisions. The law allows individuals accused of terror-related crimes to be detained without charge for a longer period. Persons arrested or detained are entitled to challenge in court the legal basis or arbitrary nature of their detention.

#### **Role of the Police and Security Apparatus**

The national police, under the Ministry of Interior, Public Security, Decentralization, and Customary and Religious Affairs (Ministry of Interior), is responsible for urban law enforcement. The gendarmerie, under the Ministry of National Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces,

under the Ministry of National Defense, are responsible for external security and, in some parts of the country, for internal security. Every 90 days the parliament reviews the state of emergency (SoE) declaration in effect in the Diffa Region and in parts of Tahoua and Tillabery (most recently expanding the SoE to three new parts of Tillabery on November 30 and renewing the SoE in all existing areas on December 17). On November 30, the council of ministers declared a new SoE in three additional departments of Tillabery (Torodi, Tera, and Say). Civilian authorities generally maintained effective control over security forces, although at times individual soldiers and police acted independently of the command structure.

Police effectiveness was limited due to a lack of basic supplies, such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols outside of Niamey were sporadic. Police training was minimal, and only specialized police units had advanced weapon-handling skills. National Guard troops were assigned rotationally as prison guards for six months at a time but had little or no prison-specific training. A law passed in 2017 created a specialized cadre of prison police, and the police system had reportedly launched a first round of training but had not fully implemented the law. Citizens complained security forces did not adequately police border regions, remote rural areas, and major cities. Corruption remained a problem.

The gendarmerie and the police inspector general are responsible for the investigation of police abuses; nevertheless, police impunity remained a problem.

### **Arrest Procedures and Treatment of Detainees**

The constitution and law require arrest warrants. The law allows individuals to be detained for 48 hours without charge and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. Under the Terrorism Law, individuals detained on suspicion of committing terrorism-related offenses may be detained for 10 days, extendable once for an additional 10 days. This 10-day period begins once suspects reach the Niamey Central Service for the Fight against Terrorism; terror suspects apprehended in the rural Diffa Region may spend days or weeks in custody before officials transport them to Niamey. Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread

ignorance of the law and lack of funds prevented many defendants from exercising their rights to bail and an attorney. Except for detainees suspected of terrorism, authorities did not detain suspects incommunicado.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. Police and other security force members sometimes rounded up persons accused of being members of, or supporting terrorist groups, based on circumstantial evidence, subsequently holding them for months or even years (see section 1.g.). In 2015-16, following the government's implementation of a SoE in Diffa, the security forces used their authority to arrest at least 1,400 individuals for violating state-of-emergency restrictions and curfews, or in response to denunciations. Lacking investigations and evidence, most of these prisoners remained in detention, mostly in Kollo Prison in Niamey far from their families, until the government prioritized a trial procedure starting in 2017. The cases of approximately 800 individuals had been brought to trial by the end of the year, with many trials leading to acquittal for lack of evidence.

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases, including terrorist-related offenses), some detainees waited as long as five years to be tried. A majority of prisoners were awaiting trial, with one nongovernmental organization (NGO) stating the percentage was as high as 75 percent. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. Civil society activists and members of opposition political parties appeared to be especially subject to irregular implementation of their due process rights, including prolonging of pretrial detention to allow prosecutors time to assemble evidence. By contrast some high-profile detainees benefited from extended provisional release.

Saidou Bakari, Ide Kalilou, and Mallah Ari, all associated with the main opposition party the Democratic Movement for an African Federation (MODEN-FA Lumana), were arrested in 2016 on allegations of misappropriating humanitarian assistance in 2005. At the end of the year, they remained in jail awaiting trial, despite being cleared of wrongdoing by a gendarmerie investigation commissioned by the government.

#### **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. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving opposition leaders. Judicial corruption--exacerbated by low salaries and inadequate training--and inefficiency remained problems. There were reports family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, including departing the country, and could run as candidates in elections.

Customary courts and traditional mediation did not provide the same legal protections as the formal court system. Traditional chiefs may 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, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of Islamic traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, although defendants may appeal a verdict to the formal court system. In contrast with the formal court system, women do not have equal legal status with men in customary courts and traditional mediation, nor do they enjoy the same access to legal redress.

### **Trial Procedures**

The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. The law also provides free interpretation for defendants who do not speak French, the official language, from the moment charged through all appeals. Trials are public, and defendants have the right to be present at their trial. 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' imprisonment. Officials provided defendants adequate time and facilities to prepare a defense. Defendants have the right to confront witnesses and present witnesses and evidence on their own behalf. They are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court.

Although the constitution and law extend these rights to all citizens, widespread ignorance of the law prevented many defendants from taking advantage of these rights. Judicial delays due to the limited number of jurisdictions, staff shortages, and lack of resources were common.

### **Political Prisoners and Detainees**

There were reports of political prisoners who remained incarcerated during the year. Saidou Bakari and Ide Kalilou, members of the leading opposition party, and Mallah Ari, an assistant to the president of the leading opposition party, have been jailed since 2016 on corruption charges dating back to 2005, although a gendarmerie investigation found no proof of wrongdoing. Critics alleged their continued jailing was political in nature.

The trial of 11 military officers and one civilian arrested in 2015 on accusations of plotting a coup concluded on January 26, with 15-year sentences for the three alleged leaders of the coup plot, General Souleymane Salou, Lieutenant Ousmane Awal Hambaly, and Captain Issa Amadou Kountche.

The court gave five- and 10-year sentences to six other soldiers. The court acquitted two soldiers and gave the single civilian in the case, Niandou Salou, son of accused ringleader General Salou, five years in prison. All of the charges linked those found guilty to “fomenting between November and December 2015 a conspiracy to attack the authority or security of the state.” Critics alleged that the government fabricated the coup attempt to justify the arrest, along with these 12 persons tried in 2018, of virtually all the opposition leaders in the lead-up to the 2016 presidential election, most of whom were eventually released without charge.

Authorities generally granted the ICRC, the CNDH, and human rights groups access to political prisoners, and these groups conducted visits during the year.

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

Individuals or organizations may seek civil remedies for human rights violations. They may also appeal decisions to the Court of Justice of the Economic Community of West African States (ECOWAS). Individuals and organizations may appeal adverse domestic court decisions to regional human rights bodies, such as the ECOWAS Court of Justice.

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

The constitution and law generally prohibit such actions, but there were exceptions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state-of-emergency provisions in the Diffa, Tahoua, and Tillabery Regions, authorities may search houses at any time and for any reason.

### **g. Abuses in Internal Conflicts**

The regional fight against the terrorist group Boko Haram continued in the east, while extremist groups linked to the conflict in Mali terrorized the west of the country. Several groups with links to al-Qaida and ISIS were active in the country during the year.

Killings: Criminals and extremist groups conducted terrorist attacks in the western regions of Tillabery and Tahoua, with the attacks and security force responses to the attacks together leading to 74 deaths in the first 10 months of the year, according to data tracked by the UN Office for the Coordination of Humanitarian Affairs. Conflict in the Diffa Region during the first 10 months of the year killed an estimated 107 persons. According to the Armed Conflict Location and Event Data Project (ACLED), an organization tracking conflict deaths through media reporting, there were 12 terror-related deaths in the Agadez Region in the north of the country during the first seven months of the year, 103 terror-related deaths in Tillabery and Tahoua Regions, and 53 in Diffa Region. Numbers varied due to different tracking and sourcing protocols. Of the 168 total fatalities reported by ACLED, 110 appeared to be civilians, with 58 of these civilian fatalities resulting from security force actions.

Abductions: Terrorist groups and bandits kidnapped dozens of citizens and two Westerners. Armed groups in the Diffa Region including Boko Haram and bandits abducted civilians. For example, unidentified armed men kidnapped the mother and sister of a parliamentarian on September 3 in Diffa Region. Armed groups in northern Tillabery Region also abducted several citizens during the year, as well as one German and one Italian citizen. The status of one U.S. citizen abducted in Tahoua in 2016 remained undetermined. Of the 39 women kidnapped by Boko Haram in 2017 in the village of Ngalewa in the Diffa Region, 37 remained missing.

Physical Abuse, Punishment, and Torture: Boko Haram militants often targeted noncombatants, including women and children, and used violence, intimidation, theft, and threats to get what they wanted from local villagers.

Child Soldiers: Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants. (See also section 6 on conditions for these juvenile detainees.)

The government provided some limited material and logistical support in Niger to a Mali-based militia, GATIA, a group that has been reported to recruit and use child soldiers.

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

Other Conflict-related Abuse: Aid organizations in Diffa Region were sometimes unable to obtain the required security escorts to travel outside of Diffa town for aid distribution; security forces deemed certain areas insufficiently secure for humanitarian access and at times did not have sufficient resources to provide escorts. Boko Haram militants burned homes and villages, displacing civilians. Extremists in northern Tillabery Region reportedly began charging local villagers taxes, while extremists in western Tillabery Region reportedly burned some government-funded schools, telling villagers their children should not attend such schools.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of speech, including for the press, but the government sometimes threatened journalists and members of the media.

Freedom of Expression: The government arrested civil society activists and pressured journalists who expressed criticism of the government.

The CNDH expressed concern over attacks on freedom of expression. International human rights-related NGOs--including Publish What You Pay, the Open Society Initiative for West Africa, Amnesty International, Reporters without Borders, and Oxfam--also issued statements of concern, related to the detention of civil society activists. The Association of West African Journalists issued a

statement in August about the closure of media outlets for alleged nonpayment of taxes.

Violence and Harassment: Authorities occasionally subjected journalists and civil society activists to harassment apparently linked to their reporting. The government broadly excluded opposition journalists from official press conferences and events. The owner of an opposition television station reported being regularly called in to the government communications office for running content critical of the government, although no punitive measures were taken. Opposition media outlets also complained of a disproportionate number of tax audits.

On January 15, at a Niamey high school where students were reportedly planning a protest against education shortcomings, the National Guard briefly confiscated the camera of a private television station, Tenere TV, and deleted footage of alleged security violence toward the student planners. Media representatives said National Guard soldiers also confiscated and damaged a Labari TV camera following a violent altercation with the camera operator, Chaibou Guisso.

On September 17, the Tax Office (Direction Generale des Impots--DGI) confiscated publishing materials from and closed the combined offices of opposition newspapers *Le Courrier*, *Le Canard en Furie*, and *Le Monde d'Aujourd'hui* in connection with a 10-million West African CFA francs (CFA) (\$18,000) tax bill allegedly owed by *Le Courrier*. The paper's owner and publisher, Ali Soumana, faced charges dating to June 2017 for the illicit procurement of court documents related to the so-called Uraniumgate scandal, which alleged that high-placed government officials used an offshore account to profit from Niger's state uranium mining company. DGI also closed six television stations and two newspapers for tax nonpayment in July. Although most reopened quickly, two opposition television stations remained closed for more than a month before they were able to negotiate resolution with the tax office.

Censorship or Content Restrictions: Journalists believed they did not practice self-censorship, but they admitted there were topics that were taboo. Opposition journalists reported sometimes encountering pressure against antigovernment speech. Public media generally did not cover the statements or activities of opposition parties and civil society organizations critical of the government.

National Security: The declaration of the state of emergency in Diffa, Tillabery, and Tahoua Regions grants the government special authority over the media for security reasons.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet, but it did monitor online content and used Facebook postings as a basis to charge civil society activists with crimes. For example, civil society organization leaders Moussa Tchangari and Nouhou Arzika had posted on their Facebook pages that there would be a demonstration on March 25 in spite of the government's ban. Prosecutors used these postings as a basis for the arrest of Tchangari and Arzika on March 25 on charges they had encouraged participation in an illegal demonstration.

According to the International Telecommunication Union, approximately 10 percent of the population used the internet in 2017.

### **Academic Freedom and Cultural Events**

The government proposed a new system for government appointment of university chancellors instead of election by university professors and staff. By year's end the proposal had not been put into practice. The unions representing university teachers, staff, and student unions went on strike or boycotted regularly during the year to protest lack of salary payments, poor facilities, shortage of books and supplies, unpaid stipends, and other issues. Five student leaders at Niamey's Abdou Moumouni University were expelled on March 17 following a February 7 altercation between a teacher and elements of the Student Union's Social and Security Committee (CASO), a group that provided self-appointed security services at the university. In response to violent student demonstrations that ensued, the government closed universities nationwide from April 23 through resolution of the conflict on May 15.

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

The government at times restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

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

There were several instances of police restrictions and government bans on protests. On April 18, students blocked the road to the main campus of Niamey's Abdou Moumouni University to demand reinstatement of the five senior student leaders who had been expelled on March 17. Police intervened with tear gas, and according to the union, 32 protesters were injured and six hospitalized, including one in critical condition (numbers of injured were not reliably reported in the press, and independent verification of the extent and seriousness of the injuries was not available). An official government announcement noted damage to six vehicles and university offices. On April 23, the government declared that university campuses nationwide would remain closed until CASO, accused of general and long-term violence and misconduct, was disbanded. Negotiations led to reopening the university on May 15 without the disbanding of CASO.

The government regularly banned planned civil society-organized gatherings from April to August. Municipal authorities often denied official permission for opposition demonstrations and rallies without responding to organizers' requests within the 48-hour timeline required by regulations. There was an instance in Maradi where the government did not implement a court order that supported the organizers' right to protest.

On March 23, the government banned a civil society protest of new tax laws planned for March 25. Organizers encouraged their supporters to demonstrate despite the ban, arguing the constitution gave them a right to protest. On the morning of March 25, before the protest had begun, police arrested two civil society leaders at their offices: Moussa Tchangari and Ali Idrissa. Later in the day, activist Nouhou Arzika was arrested at his lawyer's office, and television commentator Lirwana Abdourahamane was arrested at Labari Television after making a call for individuals to stand up for their rights. Authorities shuttered the television station for five days. Police arrested another 19 demonstrators the same day, charging them with organizing or participating in an illegal demonstration, damaging property, acts of violence and assault, and assault and battery.

The group of 23 went to trial in July after four months of pretrial detention. On July 24, a Niamey judge convicted the four civil society leaders of inciting a banned protest and gave them three-month suspended jail sentences. The judge

acquitted 11 of the defendants and found another eight guilty of participating in a banned protest, sentencing them to one year in prison, with six months suspended.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected this freedom; however, government representatives accused human rights-related civil society organizations of being “putschist” or intending to overthrow the government. Police on several occasions, without a legal warrant, blocked access to offices of the NGO Alternative Citizen Spaces in Niamey and Zinder. The law does not permit political parties based on ethnicity, religion, or region.

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

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government respected most of these rights.

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

Abuse of Migrants, Refugees, and Stateless Persons: There were reports that immigration and security service members demanded bribes from migrants.

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.

Citizenship: On April 3, journalist Baba Alpha was deported to neighboring Mali, where his father was born, without the benefit of a deportation hearing. A Niamey court had convicted him in July 2017, together with his father, of using fraudulent documents to obtain a Nigerien passport. The two were sentenced to two years in

prison and had their Nigerien citizenship rights revoked. Free speech activists widely held that Baba Alpha was singled out due to his antigovernment radio and television broadcasts on the Bonferey station and that his crime, while possibly real, represented a common practice for obtaining a passport in a region with little birth documentation. An appeals court cancelled the first court's removal of Alpha's Nigerien citizenship privileges (Alpha was born in Niger, but did not automatically derive Nigerien citizenship), but security forces deported him to Mali immediately upon his release from prison. Alpha did not have Malian citizenship.

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

UNHCR estimated there were more than 104,000 IDPs in Diffa Region and 25,700 returnees displaced as a consequence of Boko Haram-instigated violence. These IDPs resided mainly in out-of-camp settings in the region. Heavy seasonal rains left several thousand individuals homeless in July and August throughout the country. The government worked with foreign donors, international aid organizations, and NGOs to supply IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs. On December 3, the National Assembly adopted a law based on the 2009 African Union Kampala Convention for the protection and assistance of people fleeing violence, floods, drought, and other disasters, which will primarily benefit IDPs.

Refugees and IDPs in Diffa Region were vulnerable to armed attacks and unlawful recruitment of child soldiers by Boko Haram.

Intercommunal conflict between farmers and herders in northern Tillabery Region, combined with banditry and attacks by terrorist groups, resulted in population displacement. At the end of November, UNHCR reported approximately 36,000 IDPs in the Tillabery Region and 16,000 in the Tahoua Region.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

As of year's end, UNHCR managed three refugee camps in the Tillabery Region (Tabareybarey, Mangaize, and Abala) and one official "refugee zone" in the Tahoua Region (Intikane), where refugees could settle freely with their livestock

and thus maintain their traditional pastoral way of life. UNHCR estimated that in addition to the IDPs mentioned above, there were 58,000 Malian refugees in Tillabery and Tahoua Regions. By the end of November, 2,358 newly arrived Malian refugees were reported, while 3,082 Malian refugees returned from Niger to Mali throughout the year. UNHCR also managed one refugee camp in Diffa Region with 14,500 refugees. UNHCR estimated that in addition to the 104,000 IDPs, there were more than 118,000 Nigerian refugees in Diffa Region. More than 88 percent of refugees in Diffa Region resided outside of formal camps.

A tripartite agreement between UNHCR and the governments of Niger and Mali, signed in 2014, provides a legal framework for voluntary returns respecting international standards. The parties considered conditions in parts of northern Mali were not yet conducive to returns in safety and dignity and therefore return was not being promoted.

In early May the government arrested and deported to Libya 132 Sudanese nationals without a deportation process or opportunity for appeal. These deportees were among a loose grouping of approximately 2,000 Sudanese migrants who, over the course of several weeks, had moved into Agadez and surrounding areas from Libya, where they had likely also been looking for work. UNHCR worked with the government to reconfirm Niger's commitment to allow those potentially seeking protection the time and space for their cases to be considered.

Temporary Protection: The government provided temporary protection to an unknown number of individuals who may not qualify as refugees under the 1951 Refugee Convention or its 1967 Protocol.

The country gave temporary protection status to persons mostly of Ethiopian, Eritrean, and Somali origin rescued by UNHCR from detention camps in Libya where conditions included institutionalized torture. Approximately 1,500 persons rescued from Libya received temporary protection in Niger while they underwent a status determination and third-country resettlement process.

The government also allowed the International Organization for Migration (IOM) to operate a repatriation program assisting migrants traversing Niger to return to their countries of origin. During the first eight months of the year, IOM reported assisting 11,936 migrants to return to their home countries, most often Nigeria or other countries in West Africa.

In the first 10 months of the year, IOM reported assisting approximately 18,000 migrants expelled from Algeria under a program of nontolerance for irregular migrants. Of these, approximately 13,000 Nigerien migrants were returned through an agreement between the two governments that included advanced notification and official transportation into Niger. Algeria returned the remaining 5,000 migrants, most from third countries in West Africa, without advanced communications or logistical support. IOM supported them with humanitarian and relocation assistance.

The UN special rapporteur for the human rights of refugees flagged the Algerian practice of dropping migrants at the Nigerien border as life-threatening and praised Niger's assistance to these migrants. He also reported some were victims of antimigration sweeps within Algeria and were moved quickly to the Nigerien border without an opportunity for appeal.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: President Issoufou of the Nigerien Party for Democracy and Socialism (PNDS) won his second mandate in the 2016 presidential election, while a coalition led by the PNDS won 118 of 171 National Assembly seats in the legislative elections. The opposition MODEN-FA Lumana party secured 25 seats, and the National Movement for the Development of Society won 20 seats. PNDS party member Brigi Rafini retained his post as prime minister. The African Union certified the election as free and fair over the criticism of some domestic observers, who noted the jailing of the leadership of the lead opposition party, among other irregularities.

In anticipation of presidential elections in 2016, the government postponed local elections scheduled for 2015. Subsequent legislation allowed the government to authorize the continued service of locally elected officials who should have run for election in 2015 but had not done so by year's end. This process of extending the mandate of elected local officials was limited by legislation to four years, meaning local elections must be held in 2019.

The government dissolved several elected regional councils and removed several elected mayors from office on the ground of mismanagement, replacing them with government appointees.

One seat in the parliament remained unfilled despite a ruling of the Constitutional Court in 2017 that the government must hold an election in the Maradi Region to choose a replacement after the incumbent died in January 2017. The government declined to hold the election, citing high costs, and had not held the election as of the end of 2018.

A new electoral law passed in 2017 was rejected by the opposition and some ruling majority members for centralizing election authority within the ruling party. The law created the first permanent National Independent Electoral Commission (CENI) but defined its voting board in a way that left it strongly dominated by the ruling coalition. Small parties from both the opposition and the ruling party objected to new limitations on the ability of small parties to participate in election planning. As a result the opposition boycotted the CENI, raising concerns about the legitimacy of election planning and inclusivity of the process for both the anticipated local elections and the 2021 national elections.

The opposition also boycotted a political dialogue process for most of the year, although it participated in an effort to resolve the electoral law conflict during October.

Political Parties and Political Participation: The government intermittently banned opposition political party activities and limited opposition access to state media.

Opposition leader Hama Amadou remained in exile, having been found guilty in absentia of baby trafficking (as a type of adoption fraud) by a Niamey court in 2017. He was given a one-year prison term, which he would have to serve if he ever returns to the country, and he was banned from running for public office. Critics alleged the case was politically motivated to prevent Hama Amadou from challenging President Issoufou in any future elections.

The 2017 Electoral Law required the creation of biometric voter lists for all future elections. Because only approximately 20 percent of citizens have birth documents, creating a biometric voter list will be challenging. The Ministry of Interior began organizing workshops where witnesses could declare birth information before a judge, resulting in identity documents that could be used to build a biometric voter list. Opposition parties and civil society groups criticized

these efforts, noting that ruling party control of the process might bias the selection of communities or regions for enrollment workshops.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they participated. Cultural factors, however, limited women's political participation. The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. There were eight female ministers in the 43-member cabinet (19 percent). Women held 28 of 171 National Assembly seats (16 percent). Major ethnic groups had representation at all levels of government, with the exception of the Fulani ethnic minority (representing an estimated 10 percent of the population), which complained they lacked commensurate representation in the senior levels of the government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The government publicly acknowledged corruption was a problem, and there were several reports of government corruption during the year.

Corruption: Civil servants often demanded bribes to provide public services. A poorly financed and trained law enforcement establishment and weak administrative controls compounded corruption. Other contributing factors included poverty, low salaries, politicization of the public service, traditional kinship and ethnic allegiances, a culture of impunity, and the lack of civic education.

The High Authority for the Fight Against Corruption and Related Offenses (HALCIA) actively investigated official corruption and made several official reports, some of which led to punitive action by the government, including arrests. Presidential control of its budget, however, limited HALCIA's independence.

Financial Disclosure: 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 they complied. These statements are to be updated

annually and at the end of an individual's tenure. The National Register and the press published the initial statements and updates. Copies of the statements were forwarded to the government's fiscal services. Filers must explain any discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration's veracity or imposed sanctions. The law does not allow designated officials to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. HALCIA and the State Inspectorate have investigative roles, with the State Inspectorate being more administrative.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. At times the government, citing security concerns, restricted access to certain areas of Diffa Region.

Government Human Rights Bodies: The CNDH is responsible for investigating and monitoring a wide variety of human rights issues, including prison and detention center conditions. The Office of the Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without direct government interference, although they often lacked the resources necessary to carry out their work effectively.

The government maintained organizations to fight trafficking in persons: the National Commission for the Coordination of the Fight against Trafficking in Persons, which serves as the supervising board for the National Agency for the Fight against Trafficking in Persons and the Illegal Transport of Migrants. Both organizations complained of funding shortfalls.

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

#### **Women**

Women have low access to education and high rates of early marriage. They were underrepresented in school and employment. According to the UN 2018 *Human Development Index Report*, only 4.3 percent of adult women have reached at least

a secondary level of education, compared with 8.9 percent of men. Fewer than seven women out of 10 were represented in the labor market compared to almost 10 for men. Women faced particular health challenges: for every 100,000 live births, 553 women die from pregnancy-related causes. The adolescent birth rate was 192 births per 1,000 girls and women ages 15 to 19.

Rape and Domestic Violence: Rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. If there is a familial relationship between the perpetrator and the victim, aggravating circumstances apply to the sentencing. Rape was a widespread problem, and stigmatization of victims continued.

In August a family in a rural village reported to the gendarmerie that their daughter, a minor, had been raped. The gendarmerie declined to investigate because of the status of the alleged perpetrator. The family requested support from a Niamey-based NGO, SOS Women and Children Victims of Violence (SOS-FEVVF), which assisted in a physical investigation and the compilation of evidence, sending the material back to the gendarmerie to request an official investigation. At year's end, the gendarmerie had not responded.

The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Cultural views discounted spousal rape. Victims often sought to deal with the rape within the family or were pressured to do so, and many victims did not report spousal rape due to fear of retribution, including loss of economic support.

The law does not explicitly prohibit domestic violence, and violence against women was reportedly widespread. Husbands commonly beat their wives.

A woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a fine of 10,000 CFA francs (\$18) to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes often were dropped in favor of traditional dispute-resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner may be sentenced to 10 to 20 years in prison. Government, NGO, and community efforts combined decreased the prevalence of FGM/C from 5 percent in 1998 to 2 percent in 2012. For more information, see Appendix C.

Other Harmful Traditional Practices: The practice reportedly continued whereby some men were able to buy or be gifted with a “fifth wife,” or *wahaya*. These unofficial wives (Islam allows a maximum of four wives) were the daughters of hereditary slaves, often sold at ages seven to 12. They were intended to perform manual labor for the household and provide sexual services. This practice was concentrated in a specific region in the center of the country. No statistics on its practice were available.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of three to six months and fines of 10,000 to 100,000 CFA francs (\$18 to \$180). 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 francs (\$36 to \$360).

Sexual harassment was widespread. Cultural attitudes limited women’s perception of what is harassment and encouraged acceptance. Cases were rarely reported, but when they were, courts enforced applicable laws. SOS-FEVVF estimated that eight out of 10 young female workers in small shops faced sexual harassment, and only two in 10 reported it. Poverty made women especially vulnerable to harassment in the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the constitution provides for equal legal status and rights regardless of sex, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law, legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household. 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, a daughter’s share of a deceased parent’s property is half the size of a son’s share.

## Children

Birth Registration: Children derive citizenship from their parents, as long as one parent is a citizen. 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. The government's failure to register births at times resulted in citizens' reduced access to some services. For additional information, see Appendix C.

Education: Although the law provides for education for all children from age four to 18, compulsory education for children of specific ages was not enforced. Students often had to buy their own books and supplies. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years. Access to education for children nationwide was a challenge, due to a shortage of funding for teachers, classrooms, and supplies, especially in rural areas. The low quality of public education undermined parents' estimation of the value of sending their children to school and contributed to low attendance rates. The total gross enrollment rate for primary education was 67.3 percent in 2016. The boys' completion rate for primary school was 87.4 percent while the girls' was 69.5 percent. Only an estimated four out of 10 female students in primary school reached the sixth grade. According to UN statistics for the year, the average boy spent 2.6 years in school. The average girl spent 1.5 years in school.

In December 2017 the cabinet approved a decree encouraging girls to stay in school through age 16. During the summer representatives of a government-formed Education Network toured the country to advocate for girls' education, women's rights, and equal opportunities for all.

Child Abuse: Violence against and abuse of children were common. The law prescribes penalties for child abuse. For example, parents of minors who usually engage in begging, or any person who encourages children to beg or profits from their begging, may be sentenced to six months' to one year's imprisonment. The abduction of a minor younger than age 18 is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

During the first quarter of the year, 2,175 children received services through the Protection Service within the Ministry for the Promotion of Women and the Protection of Children. Among these the government reported 473 combined cases of neglect and abuse, 196 cases of early marriage, and 161 cases of sexual abuse. Almost one-third of cases occurred in Maradi Region.

In September a 13-year-old girl reported to SOS-FEVVF that her father and stepmother regularly beat her, forced her to work as a domestic servant carrying out heavy tasks, limited her food, prevented her from leaving the house, and offered her to visitors for sex. Her biological mother had removed her from the father's house and was seeking legal assistance to gain custody of the girl.

Early and Forced Marriage: The law allows a girl deemed to be “sufficiently mature” to marry at age 15. Some families entered into marriage agreements under which they sent rural girls who were age 12 or even younger to their “husband's” families to be under the “supervision” of their mothers-in-law. According to UN statistics, 76 percent of girls married by age 18. The leading cause of death for girls ages 15 to 19 was maternal hemorrhage (17 percent of all deaths in this age group).

The Ministry of Women's Promotion and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders in rural communities to the problem of early marriage.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, commercial sexual exploitation of children was a problem. The minimum age of consensual sex is 13 for both boys and girls.

The law provides, “exploitation shall include, at minimum, slavery or practices similar to slavery” and adds that the recruitment, transport, transfer, harboring, or receiving of a minor younger than age 18 for the purpose of exploitation shall be considered trafficking in persons. The penalty for violators is five to 10 years in prison and a fine of 500,000 to five million CFA francs (\$900 to \$9,000). If the victim is younger than age 18, the penalty is 10 to 30 years' imprisonment. If the victim dies, the penalty is life imprisonment.

The penal code provides for two to five years' imprisonment and a fine of 50,000 to 500,000 CFA francs (\$90 to \$900) for the prostitution of children. The law prohibits “indecent” acts against victims younger than age 18. It leaves to judges to determine what constitutes an indecent act.

Girls reportedly were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder along the border with Nigeria.

Child Soldiers: An unknown number of children were captured by security forces in Diffa and Tillabery Regions and detained in Niamey and Kollo prisons for alleged involvement with terrorist groups. Experts of the Ministry of Justice and the Child Protection Directorate within the Ministry for the Promotion of Women and the Protection of Children determined their ages and provided them services in one of the four Orientation and Transition Centers in Niamey, funded by UNICEF. They were progressively reunited with their families. Some of these detainees were Nigerian citizens (as opposed to Nigerien). The government reported that from 2016 to 2018, 72 juveniles, including one girl, were admitted in these centers and 62 had been reunited with their families by year's end.

Infanticide or Infanticide of Children with Disabilities: Infanticide occurred, and a sizeable proportion of the female prison population was incarcerated for this crime, which was often committed to hide pregnancies out of wedlock.

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools, where they were forced to beg on the streets of larger cities. Displaced children had access to government services, but services were limited. Unaccompanied migrant children transited Niger en route to Libya, Algeria, and Europe. Some unaccompanied migrant children travelled to the Djado gold fields to find work in unregulated gold mines.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. (See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>).

## **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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with disabilities. The law defined the disabled as a person “unable to meet all or part of his needs for a normal life due to a physical, sensory, or mental deficiency.” The government made efforts to enforce these provisions. For example, regulations required that 5 percent of civil servants be persons with disabilities. Although the goal was not met, the government reported employing 512 persons with disabilities within a total civil service of 61,387. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The law mandates that new government buildings be accessible to persons with disabilities, but the law was not enforced.

The national health system, which normally provides free medical care to children younger than age five, gives life-long free medical care to persons with disabilities.

Social stigma regarding disabilities resulted in neglect and even infanticide, according to the Federation for Handicapped Persons. A high percentage of persons with disabilities were forced by their families to spend their lives begging.

Children with disabilities were technically able to attend school but faced difficulties, including a lack of adapted instruction and materials, a shortage of specialists for working with children with special needs, and a lack of flexibility in the evaluation system. For example, the lack of professional sign language interpreters prevented deaf children from continuing their education past high school.

According to the Federation of Handicapped Persons, there were 61 schools with programs that accommodated students with disabilities. These included four specialized schools and 57 integrated schools where students with disabilities interact with other students. There were three schools for children with hearing disabilities, one school for blind children, and five inclusive classes for blind children in mainstream public schools.

The Electoral Code passed in 2017 does not contain clear provisions regarding voting registration for persons with disabilities.

### **National/Racial/Ethnic Minorities**

Members of the Boudouma minority in the Diffa Region and the Fulani minority in the Tillabery Region faced governmental and societal discrimination due to a

widespread perception that the two groups supported or facilitated terrorist activities.

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

There was strong societal stigma against same-sex sexual activity, but there are no laws criminalizing adult consensual same-sex sexual activity in general. The law states an “unnatural act” with a person younger than age 21 of the same sex is punishable by six months to three years in prison and a fine of 10,000 to 100,000 CFA francs (\$18 to \$180).

Gay men and lesbians experienced societal discrimination and social resentment. Two lesbian, gay, bisexual, transgender, and intersex rights associations reportedly conducted their activities secretly, in part because they were not officially registered. There were no reports of violence against individuals based on their sexual orientation or gender identity. There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Observers believed stigma or intimidation impeded individuals from reporting such abuse.

### **HIV and AIDS Social Stigma**

Persons with HIV/AIDS experienced societal discrimination, although strong government efforts discouraged such discrimination. In conjunction with several other organizations working on HIV/AIDS issues, the government continued its antidiscrimination campaign. The labor code provides for protection against discrimination for persons suffering from diseases such as HIV/AIDS and sickle cell anemia.

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

There continued to be serious stigma associated with being the descendant of a slave. One NGO reported that in Denkila village, approximately 14 miles from Dosso, a court decision reportedly prevented a group of 274 families from farming their land for the past five years. A person with an alternate claim to the land had sued for a court injunction against the defendants’ use of the land based on an outdated law that forbids former slaves from owning or farming land in contradiction with the 2003 law banning slavery. The descendants of former slaves were fighting the decision in the courts.

## 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 law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. While there were no provisions that limit collective bargaining in nonessential services, certain provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining. Children ages 14-15 are permitted to work (although there are limits on the hours and type of work) but are not permitted to join unions. The right to strike excludes police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that envisioned in International Labor Organization (ILO) conventions. The law defines strategic and essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually involve requiring civil servants to report to work during a legally notified strike. There are no prohibitions on strikes in nonessential services. Workers must give employers at least three days’ advance notice of intent to strike. The government may call for mandatory arbitration in lieu of a strike.

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. There are limitations on the law’s applicability to public service employees, however.

Government application of laws in the public and private sectors varied, but the law was largely enforced. Penalties for violations included imprisonment and fines; these penalties were generally sufficient to deter violations in the formal sector.

The law applied to the large informal sector, which accounted for 64.5 percent of the economy in 2015, according to the National Institute of Statistics, but enforcement was limited because this sector was largely nonunionized and not

subject to inspection. The informal sector did feature some unions. For example Marche Katakou, a large informal market in Niamey, had its own union, the Union for Katakou Tradespersons.

Authorities respected freedom of association, the right to strike, and the right to collective bargaining, and workers exercised these rights. For example, the tradespersons and storeowners in several markets throughout the country staged unobstructed strikes at times during the year to protest new taxes and high energy costs. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions. In September the Ministry of Secondary Education discussed banning unions for secondary school students, but it did not ultimately pass the measure. The government also was increasingly critical of the National Union of University Teachers, blaming teacher strikes over unpaid wages, lack of supplies, and unacceptable facilities for lost school days.

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

The law criminalizes all forms of forced labor, including slavery, practices similar to slavery, and exploitative begging. The term “forced or compulsory labor” is interpreted to mean “any labor or service required of a person under the threat of punishment and for which the individual has not given full consent.” The government did not effectively enforce these laws.

The labor code imposes penalties including fines and imprisonment for forced labor, but the penalties were largely unenforced. Information on the number of victims removed from forced labor was not available.

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. Enforcement of the law, however, was sporadic and ineffective, particularly outside the capital.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 percent of whom were engaged in domestic work, and 23.6 percent in agriculture or stockbreeding. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi. A study conducted by the National Institute of Statistics, in collaboration with the Ministry of Justice, in 2016 concluded that victims of forced labor were characteristically

young (age 17 on average) and predominantly male (62.5 percent), although adult victims were also identified. The study found poverty and associated misery and unacceptable living conditions to explain why victims accepted offers that put them into forced labor situations.

The Tuareg, Djerma, Fulani, Toubou, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor. Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. 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. Estimates of the numbers of persons involved in traditional slavery varied widely.

Forced child labor occurred. Thousands of boys as young as age four and largely from poor, rural families, were forced to beg on city streets in lieu of payment of fees for religious education. Girls from poor rural families were sometimes forced into domestic servitude (see section 7.c.). In Djerma/Songhai communities, social stigma against descendants of hereditary slaves interfered with the latter's right to marry freely, own property, practice independent farming or other economic activity, and participate in politics. Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits the use of child labor and the employment of children younger than age 12. Children who are 12 or 13 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 forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children who are 14 to 17 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 morals. The minimum age for hazardous work does not meet the international standard of age 18. In addition, the law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The law requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of employment or work performed by children outside an enterprise, such as self-employment.

The government did not effectively enforce child labor laws, in part due to an insufficient number of child labor inspectors in the Ministry of Labor and Civil Service. Penalties for violations included fines and imprisonment, but these were not adequate to deter violations. The laws rarely were applied to work performed by children in the nonindustrial/informal sector. The government worked with international partners to provide relevant education as an inducement to parents to keep their children in school.

Child labor was prevalent. According to a 2012 national survey, approximately 43 percent of children between ages five and 14 (an estimated 2.5 million) were engaged in labor. 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 families kept children out of school to work or even beg.

A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. The most common forms of exploitation according to the study were forced labor (31.4 percent or about 631,437 persons), begging (21 percent), prostitution or other forms of sexual exploitation (17.8 percent), slavery (10.2 percent), and servitude (11.4 percent).

Male youths, between the ages of four and 20 (with an average age of 10) were the most affected. The victims were forced to labor in mines, quarries, agriculture, as mechanics or welders, in artisanal workshops, or to beg or steal. Female victims, between ages 13 and 39 (with an average age of 19.8 years), mainly were forced into domestic or sex work. There were reports that loosely organized clandestine international networks forced young boys from neighboring countries into manual labor or begging and young girls to work as domestic servants, usually with some degree of consent or complicity of their families.

The practice of forced begging of *talibes*--Quranic schoolchildren--where some Quranic schoolteachers forced their young male pupils to work as beggars, remained widespread, with a degree of complicity from parents.

Child labor 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 use many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health

hazards. Komabangou miners, other residents, and human rights groups expressed deep concern about poisoning, but the practice remained widespread.

Children born into a traditionally subordinate caste or descent-based slavery became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Also see the Department of Labor's Findings on the Worst Forms of Child Labor at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides for equal access to employment for all citizens. The labor code prohibits discrimination in employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation or gender identity, age, language, HIV-positive status, sickle cell anemia, or other communicable disease. The code prescribes fines for persons engaging in discrimination. The code requires equal pay for equal work and provides benefits for persons with disabilities.

The government did not effectively enforce the law. The government neither adopted any regulations to implement the labor code nor took any actions to prevent or prosecute employment discrimination. The government had inadequate resources to investigate reports of violations, and penalties were insufficient to deter violations.

Discrimination in employment and occupation occurred with respect to gender and disability. Traditional and religious beliefs resulted in employment discrimination against women. The government requires companies to hire a minimum of 5 percent of individuals with disabilities; however, the government did not enforce the law. Workplace access for persons with disabilities remained a problem. The descendants of hereditary slaves also faced discrimination in employment and occupation.

#### **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 economy. The lowest minimum wage was 30,047 CFA francs (\$54) per month, with an additional 2,500 CFA francs (\$4.51) per child per month. The government designated 1,000 CFA francs

(\$1.80) per day as the poverty income level, and during the year the government reported 48.2 percent of citizens lived below that level.

The formal economy's legal workweek is 40 hours with a minimum of one 24-hour rest period, although the Ministry of Labor and Civil Service authorized workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The law provides for paid annual holidays. The law provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are entitled to two weeks' rest. Employers must provide premium pay for overtime, although the law does not set a specific rate. The labor code calls for a maximum eight hours of overtime per week, but this was not enforced. Employees of each enterprise or government agency negotiate with their employer to set the rate.

The labor code establishes occupational safety and health standards, which were current and appropriate for the main industries. It extends labor inspectors' authority and provides for sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes. By law workers may remove themselves from situations that endangered health or safety without jeopardy to their employment, and there are no exceptions from such protections for migrant or foreign workers. Nevertheless, authorities did not effectively protect employees in such situations. The nonunionized subsistence agricultural and small trading sectors, where the law applied but was not enforced, employed approximately 80 percent of the workforce. In the nonunionized informal sector, despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment.

The Ministry of Labor and Civil Service inconsistently enforced minimum wages and workweek laws only in the regulated formal economy. The number of inspectors responsible for enforcing the labor code was not sufficient to enforce compliance. Ministry officials observed that monetary sanctions were not stringent enough to deter violations.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at artisanal gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers, which included children, domestic

workers, and persons in traditional slavery. In the traditional gold-mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. A significant, but unknown, percentage of the mining workforce worked in the informal sector.

Union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Labor and Civil Service, in 2013 there were 229 work-related accidents, including nine fatalities. All cases were compensated as required by law. Most accidents occurred in the mining sector.