

NIGER 2019 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 replaced regionally elected political leadership accused of corruption with political appointments. Early in the year, the political opposition boycotted a political mediation council and the National Independent Electoral Commission (CENI). At year's end, the government and CENI were hosting tentative, informal election-related discussions.

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 Regions. On November 30, 2018, 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.

Significant human rights issues included: reports of 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; interference with the rights of peaceful assembly and freedom of association; lack of accountability for cases of violence against women and girls due in part to government inaction; and caste-based slavery and forced labor, including forced or child labor.

The government took some steps to prosecute officials who committed abuses, but impunity remained a problem. The Defense Forces conduct annual human rights training. Additionally, all Nigerien peacekeeping battalions receive human rights and law of war training prior to deployment. Several agencies possess the authority to investigate abuses by security forces. The Office of the Inspector General of Security Services is responsible for the investigation of Police, National Guard, and Fire Department abuses. The inspector general handles inspection of Civil Protection personnel, vice Fire Department, which is covered by the Office of the Inspector General for Army and Gendarmerie). The inspector general of army and gendarmerie is tasked with investigating any abuses related to the Gendarmerie and military forces. Nevertheless, law enforcement impunity remained a problem.

Terrorist groups targeted and killed civilians and recruited 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 unconfirmed reports the government or its agents committed arbitrary or unlawful killings. For example, the armed forces were accused during the year of executing persons believed to be fighting with extremist groups in both Diffa and Tillabery Regions rather than holding them in detention. Early in the year, there were reports in the Tillabery Region that government security forces coordinated military operations alongside an armed group that recruited and used child soldiers. In May when international partners made the government aware of these allegations, the government took steps to prevent this coordination. Malian militia groups such as the Movement for the Salvation of Azawad and Imghad Tuareg and Allies Self-Defense Group (GATIA) were accused of committing human rights abuses in the country, 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 against either organization, which appeared to cease in May.

In early March a military tribunal ordered the arrest of 29 cadets and three commanders (trainers) from the National Military Training Center (EFOFAN) in connection with the death of Talata Chamssoudine Tchiombiano, an Air Force pilot in training, in December 2018. The detained commanders were charged with what amounted to dereliction of duty and accessory to a murder, and the cadets were detained on charges related to the beating death. On June 20, after an investigation, the judge released 28 of the cadets and two of the commanders. The judge was to conduct more investigations on the two remaining in jail (the captain and a cadet) before giving a final verdict. Other than the reassignment of the head of EFOFAN, as of November no leadership had been held responsible for the death of the pilot.

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 the Tillabery and Diffa Regions.

There were also multiple instances of kidnappings by armed groups and bandits (see section 1.g.). For example, the kidnapping of tens of local chiefs throughout the year in the Diffa Region was attributed to Boko Haram.

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

The constitution and law prohibit such practices; however, there were reports by domestic civil society organizations that 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.

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 harassed or detained

citizens they accused of collusion with Boko Haram, forcing the citizens to pay a “ransom” to end the harassment.

The CNDH investigated some 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.

In December the government amended its penal code by adding a section on torture and other cruel, inhuman, or degrading treatment or punishment. The amendments were adopted in accordance with recommendations from the United Nations Committee Against Torture.

Prison and Detention Center Conditions

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

Physical Conditions: The government reported in December there were 41 prisons designed to hold 10,555 persons. According to the government, prisons held 10,723 inmates; however, human rights observers stated overcrowding remained a widespread problem. For example, the prisons of Niamey and Diffa were respectively designed to hold 445 and 100 persons but towards year’s end held 1,379 and 400 inmates. 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. Terrorist and high-threat offenders were separated from other criminal offenders. 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. Observers noted judicial

slowness, dilapidated prison premises (except at the Tillabery prison), an insufficiency of prison staff, a lack of funding for food, health care, and maintenance, and inadequacy of postrelease reintegration systems.

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

In 2018 the government signed a memorandum of understanding with the governments of Mali and Morocco regarding collaboration and exchange among the prison administrations of the three countries. The goals of this agreement were to develop and support cooperation in programs of common interest and the exchange of information, expertise, and good practices, especially in the areas of inmate reintegration, security and management within facilities, and training for prison staff.

National Guard troops were assigned rotationally as prison guards for six months at a time but had little or no prison-specific training. A 2017 law created a specialized cadre of Prison Guards, and the new Penitentiary Administration system reportedly launched a first round of training but had not fully implemented the law.

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. For juveniles, authorities worked to implement all UNICEF suggestions when funding was available.

Improvements: 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. The CNDH and Ministry of Justice reported improvements in the reintegration centers in Agadez and Daikana, based on the initiative of prison officials. The ministries further noted intermittent improvement in the living conditions of some detainees stemming from the governmental prison administration reforms of 2017, which were focused on improving the detention conditions of prisoners and working conditions of prison staff.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits arbitrary detention without charge for more than 48 hours and provides for the right of any person to challenge the lawfulness of his or her detention, with some exceptions. If the prosecutor receives a case in which an individual was not charged within 48 hours, the case must be dismissed. An investigator can request a waiver for an additional 48 hours (total of 96 hours) before charging an individual. The law allows individuals accused of terror-related crimes to be detained without charge for 15 days, which can be extended only once, for an additional 15 days (total of 30 days).

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. Reports indicated, however, that authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. Under the country's terrorism laws, individuals detained on suspicion of committing terrorism-related offenses may be detained for 15 days, extendable once for an additional 15 days. This 15-day period begins once suspects reach the Niamey Central Service for the Fight against Terrorism and Transnational Organized Crime (SCLCT/CTO); terror suspects apprehended in the rural Diffa Region at times spent days or weeks in either regional civilian or military custody before officials transported 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 of being transferred to SCLCT/CTO. 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, lack of funds, and an insufficient number of lawyers 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 on occasion 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 the period preceding a July African Union Summit in Niamey, security forces detained a number of individuals on suspicion of having terrorist links. The individuals were released following the conclusion of the summit.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. The law provides for maximum pretrial confinement of 48 months for terrorism offenses where the sentence could be 10 years or more in prison and 24 months for less serious offenses. The vast majority of prisoners were awaiting trial and, according to statistics provided by the government, approximately 80 percent of prisoners facing terrorism charges were in pretrial detention. Reports indicated judicial inefficiency, limited investigative capacity, and staff shortages contributed to lengthy pretrial detention periods for terrorism offenses. Regarding other offenses, 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.

The government operated a detention facility in Goudoumaria that specifically housed defectors from violent extremist organizations. As of November, 233 persons resided in the facility, including 137 adult males, 27 women, and 69 children. Families were kept together and separated from single males. By the end of the year, 125 individuals graduated from a rehabilitation program designed to provide vocational training and preparation for reintegration into villages in the region. By year's end, a majority of the graduates were released into the community. A facility located directly outside the walls of the camp was being constructed to house single women and children. Nongovernmental organizations (NGOs) provided the majority of services to the facility, including potable water, food, and medical care. The government took over responsibility for paying for medicine from the United Nations Development Program, but it had not paid the medicine provider, and resources were running low at year's end. Children in the camp suffered from malaria, and pregnant women lacked adequate access to emergency care.

Defectors who meet the government's legal criteria for conditional amnesty are supposed to be released after receiving three to six months of deradicalization, rehabilitation, and vocational training. The chief prosecutor is responsible for reviewing defector case files and working with the Ministry of Interior, Public Safety, and Decentralization to make decisions about the defectors' eligibility for

reintegration. Due to bureaucratic and logistical challenges associated with establishing and implementing this program, defectors and family members remained in the facility for prolonged periods of time--some up to three years. By year's end 125 defectors completed rehabilitation training and began the reintegration process with a second group nearing rehabilitation training.

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. Ide Kalilou was released on February 22, and his case dismissed after 1,010 days of pretrial detention. Mallah Ari, an assistant to the president of the leading opposition party, was released for medical treatment in France; however, his case remained pending. Saidou Bakari remained in detention at a medical facility at year's end, despite a gendarmerie investigation determining he had committed no criminal acts. His court case continued at year's end.

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 that 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 either at the investigative judge or trial stage of proceedings. 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, a member of the leading opposition party, remained jailed since 2016 on corruption charges dating back to 2005, although a gendarmerie investigation found no proof of wrongdoing. Mallah Ari's case--who was receiving medical treatment in France--remained pending at year's end. Critics alleged the continuation of their cases and jailing were political in nature. Ide Kalilou was released on February 22, his case dismissed after 1,010 days of pretrial detention.

Of the 29 persons detained in connection with antitax demonstrations during 2018, one remained in pretrial detention: Sadate Illiya Dan Mallam (or Malam) was arrested in April 2018 in the city of Zinder. In May a Zinder judge heard Sadat's case and released him due to insufficient evidence. As is common in the judicial

system, within hours the local prosecutor filed an appeal, returning Sadat to jail. Sadat said his 13-month pretrial detention was political revenge for his activism against government corruption.

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 SoE 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 and ISIS-WA 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-core were active in the country during the year.

Killings: Criminals and extremist groups conducted terrorist attacks, primarily in Diffa Region and the western regions of Tillabery and Tahoua. On December 10, terrorists attacked the military camp in Inates, killing 71 soldiers.

During the year, according to the Tillabery governor, 13 village leaders and more than 130 soldiers were killed in Tillabery, the majority in large-scale attacks. Armed Conflict Location and Event Data Project (ACLED) data confirmed these numbers, suggesting that violent attacks clustered along the Mali and Burkina Faso

borders. According to community leaders, violence in the town of Torodi, Tillabery Region, escalated significantly during the year.

In the Tahoua Region, terrorist attacks and security force responses to the attacks resulted in 74 deaths in the first 10 months of the year, according to 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 ACLED data, fatalities in the Diffa Region were in the hundreds, with at least 30 soldiers killed in significant attacks in October and April.

Many of the killings, especially in Diffa and Tillabery, specifically targeted government authorities or private individuals seen as informants for the security or law enforcement entities. Observers noted these attacks significantly disrupted government efforts to protect communities and led to substantial internal displacements, bringing insecurity into previously safer areas.

Abductions: Terrorist groups and criminals kidnapped dozens of citizens and two Westerners. Armed groups in the Diffa Region, including Boko Haram and criminals, abducted civilians. In August the United Nations noted at least 179 persons had already been abducted by Boko Haram in the Diffa Region and these numbers continued to grow throughout the year. For example, unidentified armed men kidnapped the mother and sister of a parliamentarian on September 3 in the Diffa Region. During a single week in December, 10 children and seven women and girls were kidnapped from N-Guimi and Gueskerou communes, respectively. The individuals abducted from Gueskerou were later released following ransom payments, but the individuals abducted from N-Guimi remained missing at year's end. Further, the mayor of Kablewa and his wife were abducted on October 19. Although a large ransom was announced in late October, both remained missing.

Analysts suggested these kidnappings fueled increasing displacements across the region. Some speculated that many of the Diffa kidnappings were linked to Ba Koura, which formally pledged allegiance to the Shekau faction of Boko Haram/ISIS-WA.

Armed groups in northern Tillabery Region also abducted several persons. In addition, one German and one Italian citizen were abducted in Tillabery during the year. Government authorities and citizens were also targeted for abduction.

Observers believed the abductions were used to raise funds through ransom, increase recruitment, and for retribution.

The status of one U.S. citizen abducted in Tahoua in 2016 remained undetermined.

Physical Abuse, Punishment, and Torture: Boko Haram militants, and to a lesser extent ISIS affiliates, targeted noncombatants, including women and children, and used violence, intimidation, theft, and kidnapping to terrorize communities and sustain their ranks.

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.)

In previous years the government provided some limited support in Niger to a Mali-based militia, GATIA, a group reported to recruit and use child soldiers. By May, however, the government reportedly ended support for GATIA and successfully pressed for the group to suspend the reported activities due to pressure from international partners and concerned citizens.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Humanitarian organizations in the Diffa Region were sometimes unable to obtain the required security escorts and clearance required to travel outside of the town of Diffa to distribute aid. Boko Haram and ISIS-related violence displaced civilians. Extremists also conducted targeted assassination and threat campaigns against "informants." Humanitarian organizations reported similar issues in the Maradi and Zinder Regions. Furthermore, an influx of approximately 60,000 refugees from Nigeria into the Maradi Region starting in the summer, increased concerns about access to humanitarian supplies for the new arrivals. Refugees appeared to be fleeing northern Nigeria due to attacks by organized criminals. Niger was attempting to host the refugees in villages throughout the region, but lack of information on the total number of refugees and inability to track where the refugees were limited possible assistance. Criminality also appeared to be on the rise with reported cases of extortion, kidnappings, and home invasions.

ISIS-GS and Jama'at Nasr al-Islam wal Muslimin, affiliates 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. As of midyear, extremists in Tillabery began targeting local and administrative authorities, assassinating or abducting canton chiefs, including the Tuareg canton chief of Inates in May and his replacement in July. A Fulani canton chief, who was abducted in Abala, was missing at year's end. This practice was also extended to village chiefs, who were attacked, assassinated, and subjected to repeated threats, particularly in Torodi and other locations near the border with Burkina Faso.

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 and harassed journalists and members of the media.

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

From April to December, nine social media activists were either briefly detained, summoned, or arrested. In April Mohamedine Mohamed, a blogger, was arrested on the charge of working under the guise of a fake profile. On May 29, Bana Ibrahim Kaza, a young politician and blogger from Lumana-Africa, the largest opposition party, was detained for posting an article on his blog. On December 19, Kaocen Saidou Maiga was arrested for posting an article on social media about the December 10 terrorist attack in which 71 soldiers were killed at an army camp at Inates.

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.

On December 24, four members of the steering committee of the Association of Bloggers for Active Citizenship including its founder, Samira Sabou Ibrahim, were interrogated at the Passport Authority's Office following a request they submitted in order to obtain an authorization for their association to operate legally in the country.

Censorship or Content Restrictions: Journalists believed they did not practice self-censorship, but they admitted some topics 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.

On July 26, the Niamey High Court confirmed a verdict by the Court of Niamey finding the government culpable for the illegal closing of the Labari radio and television chain in March 2018. The Niamey High Court affirmed a 10 million CFA francs (\$17,000) fine for damages and interest incurred by Labari. The government had one month to appeal the decision. The Labari press group was owned by Ali Idrissa, a civil society activist and coordinator of the Network of Organizations for Budgetary Transparency and Analysis, who accused the government of taking actions to silence him and his press.

National Security: The declaration of the state of emergency in Diffa, Tillabery, and Tahoua Regions grants the government special authority over media for security reasons. Responding to an increased rate of terrorist attacks, the government extended the state of emergency for a further three months at year's end in these regions. Furthermore, the National Security Council, led by President Issoufou, issued a note prohibiting the use of motorcycles in the Tillabery Region and certain parts of Dosso Region.

Internet Freedom

The government did not restrict or disrupt access to the internet, but it monitored online content and used Facebook postings as a basis to charge civil society activists with crimes. For example, Ali Tera, who was deported from the United States in April for overstaying his visa, was arrested based on his online activity in which he was critical of the government, including calling for the president's assassination. Ali Tera remained in detention.

In June the National Assembly adopted a law intended to counter cybercriminality but regulates social media use by criminalizing "blackmail," propagation of "fake news," "defamatory writings," "hate speech," or "libel" on social media. Offenders could face from six months to three years in prison and pay a fine ranging from one to five million CFA francs (\$1,700 to \$8,500). Critics of the law believed it aims to silence social media, journalists, and bloggers from exerting their rights on the internet, since authorities were increasing restrictions on traditional press.

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. Through May teachers held strikes at public universities across the country, demanding the continuation of the election process within the university system and the payment of several months of unpaid salaries. In April the National Assembly passed the government's proposed system. On May 23, however, the National Union of Higher Education Teachers (SNECS) asked its members to suspend strikes following a memorandum of understanding signed with the government.

The Minister of Higher Education Yahouza Sadissou, and the Secretary General of SNECS Na-Balla Adare, agreed to enter discussion on all points raised by SNECS. The minister also agreed to return the payroll deductions for strike action by SNECS activists and to pay backlogged salaries for teacher researchers by August 2020.

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.

On December 26, the Niamey Special Delegate's Office, acting in its capacity of mayor, issued a statement banning a peaceful protest scheduled for December 29 by a coalition of civil society associations against recurring deadly terrorist attacks in the country and the presence of foreign military troops. The mayor justified the ban noting fears of outbreak of social upheaval. Civil society members planned to express their frustration with the government for the December 10 terrorist attack at the military camp in Inates in which 71 soldiers were killed. Despite the stated ban, a peaceful protest took place.

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. 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 <https://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.

In September the National Agency to Fight Against Trafficking in Persons organized a meeting with various courts, attorneys general, and appropriate officials from the Ministries of Justice and Interior to review the nation’s legal framework addressing trafficking in persons, migrant smuggling, and other irregular migration.

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.

e. Internally Displaced Persons

The Office of the UN High Commissioner for Refugees (UNHCR) estimated there were more than 104,000 internally displaced persons (IDPs) in the Diffa Region, with almost 190,000 nationally, and 29,954 returnees displaced because of Boko Haram-instigated violence. These IDPs resided mainly in out-of-camp settings in the region. 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. In December 2018 the National Assembly adopted a law based on the 2009 African Union Kampala Convention for the protection and assistance of persons fleeing violence, floods, drought, and other disasters, which would primarily benefit IDPs.

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 55,030 IDPs in the Tillabery Region and 22,925 in the Tahoua Region.

As of June between 20,000 and 60,000 refugees entered Maradi Region, fleeing violence in the Zamfara and Sokoto States of Nigeria.

f. Protection of 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 an estimated 56,500 Malian refugees in Tillabery and Tahoua Regions. UNHCR also managed one refugee camp in the Diffa Region with 14,500 refugees. UNHCR estimated that in addition to the 104,000 IDPs, there were more than 119,000 Nigerian refugees in the Diffa Region. More than 88 percent of refugees in the 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.

Abuse of Migrants, Refugees, and Stateless Persons: There were reports that immigration and security service members demanded bribes from migrants. Refugees and IDPs in the Diffa Region were vulnerable to armed attacks and unlawful recruitment of child soldiers by Boko Haram and ISIS-WA. These refugees and IDPs were stigmatized by some in host communities, who believed they may harbor (intentionally or unintentionally) violent extremist organization elements.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, or other persons of concern.

Refoulement: In early May 2018, 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 the government's commitment to allow those potentially seeking protection the time and space for their cases to be considered, and by May the government approved the asylum requests of the remaining Sudanese.

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

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 government also allowed the International Organization for Migration to operate a repatriation program assisting migrants traversing Niger to return to their countries of origin.

g. Stateless Persons

Not applicable.

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 constitution limits residents to two terms in office. 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 main 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. The process of extending the mandate of elected local officials every six months was limited by legislation to four years, meaning local elections were to be held during the year, but CENI scheduled them to precede the presidential election in December 2020.

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

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 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 coalitions objected to new limitations on the ability of small parties to participate in election planning. As a result, the opposition boycotted CENI, raising concerns about the legitimacy of election planning and inclusivity of the process for both the anticipated local elections and the first round of the national elections, both of which were to take place in December 2020.

The opposition also boycotted a political dialogue process for much of the year, although it participated in some efforts towards year's end to resolve election preparation issues.

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

Opposition leader Hama Amadou returned from exile on November 14. He was found guilty in absentia of baby trafficking (a type of adoption fraud) by a Niamey court in 2017, given a one-year prison term, and banned from running for public office. After being allowed to mourn the death of his mother, he voluntarily reported to prison to serve the remaining eight months of his sentence. Critics alleged the case was politically motivated to prevent Hama Amadou from challenging President Issoufou or the ruling party in any future elections, although

President Issoufou stated he did not intend to seek another term in the 2020 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, observers noted creating a biometric voter list would 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. The Ministry of Interior began enrolling eligible voters within the new biometric voter system in August. 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, who 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.

HALCIA received a complaint that members of the national agency that assists citizens in performing the Hajj received bribes to use particular vendors and did not use payments by citizens on the Hajj for promised services.

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 president released his information publicly in 2018, but other senior office holders did not.

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. During the year the government conferred on the CNDH an additional mandate with regard to the prevention of torture.

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

Rape and Domestic Violence: The law criminalizes rape, although the law was rarely enforced in practice. 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 2018 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. By the end of 2018, the gendarmerie had not responded, and no further action was taken.

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 (\$17) 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.

SOS-FEVVF reported receiving seven rape and eight sexual abuse declarations from girls and women younger than 28 years old. In one case, a young girl was asked by her family to clean her uncle's room. The uncle then raped the girl. This was repeated several times until she refused to clean his room. Her mother then admonished her, saying that she should not refuse her uncle's request to clean his room. The girl became pregnant and only told her mother about the rape when the mother noticed her pregnancy at about six months. Her immediate family did not report the case. Rather, extended family raised the case before government officials. The uncle was subsequently arrested and sentenced to eight months.

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 to decrease the prevalence of FGM/C from 5 percent in 1998 to 2 percent in 2012, although the practice continued. For more information, see Appendix C.

Other Harmful Traditional Practices: Working with civil society organizations early in the year, the government drafted and passed a law prohibiting *wahaya*, a practice 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 (\$17 to \$170). 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 (\$34 to \$340).

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. In previous years, SOS-FEVVF estimated that eight 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. During the year SOS-FEVVF recorded eight assault cases, in two of which the victims were younger than 18.

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.

Women have low access to education and high rates of early marriage. They were underrepresented in school and employment. According to the UN 2019 *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 186.5 births per 1,000 girls and women ages 15 to 19.

Children

Birth Registration: Children derive citizenship from their parents, if 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 ages four to 18, compulsory education for children of specific ages was not enforced. 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 67.7 percent in 2017. For those that were in school, boys' completion rate for primary school was 87.4 percent, while the completion rate for girls was 69.5 percent. Only an estimated four 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.

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 of imprisonment. The abduction of a minor younger than 18 is punishable by two to 10 years' imprisonment. The penalty for abduction for ransom is life imprisonment.

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 12 or even younger to their "husband's" families to be under the "supervision" of their mothers-in-law. According to UN statistics from previous years, 76 percent of girls married by age 18.

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. During the 2019 African Union Summit, President Issoufou stated the government would actively work to protect women from early or forced 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 for 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 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 (\$850 to \$8,500). If the

victim is younger than 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 (\$85 to \$850) for the prostitution of children. The law prohibits "indecent" acts against victims younger than 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 the end of 2018. Other children were detained in a defector facility in Goudoumaria, with the government focusing on transitioning juveniles back into their communities.

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/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report/>.

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 require that 5 percent of civil servants be persons with disabilities. Although the goal was not met, the government reported employing 538 persons with disabilities within a total civil service of 61,710 in 2017. 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 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. Concerns over escalation of anti-Fulani prejudice were increasing. There were also some unconfirmed reports of security forces targeting Fulani in raids and intentionally avoiding Fulani areas during recruitment efforts.

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 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 (\$17 to \$170).

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 six years. A person with a competing 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. With the support of an antislavery NGO, the descendants appealed the decision to the ECOWAS court and were awaiting a response at year's end.

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, 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 penalties but does not require reinstatement for workers dismissed for union activity. There are limitations on the law's applicability to public service employees, however.

The government signed a memorandum of understanding with representatives of 12 trade unions organizing the country's first professional elections of trade union leadership. According to the protocol, representatives of trade unions must obtain at least 5 percent of all valid votes cast in order to be eligible for government budget support. Each elected representative will exercise a four-year mandate. The first election was held on July 31. According to the results compiled by the National Commission for Professional Elections, there were 45,283 voters, or a 24 percent participation rate, with five trade unions registering more than 5 percent of the vote and thus becoming eligible for government budgetary support.

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

The law applies to the large informal sector, which accounted for most economic activity, but the government did not effectively enforce the law in informal workplaces, particularly in rural areas. The informal sector featured some unions. For example, Marche Katako, a large informal market in Niamey, had its own union, the Union for Katako Tradespersons.

Authorities generally 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.

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 government did not effectively enforce these laws, however. The labor code establishes penalties for forced labor that are sufficient to deter violations, but the penalties were largely unenforced.

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. In February the High Court established a legal precedent finding *wahaya*, the traditional practice of selling girls as young as nine into forced marriages, which also perpetuates hereditary slavery, to be illegal. 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 2016 study conducted by the National Institute of Statistics, in collaboration with the Ministry of Justice 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 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 <https://www.state.gov/trafficking-in-persons-report/>.

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 14. The law, however, does not apply to types of employment or work performed by children outside an enterprise, such as self-employment or in the informal sector. 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 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 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 include 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. Most 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 beg. Children were also forced into prostitution and domestic servitude, artisanal mining, and forced criminality.

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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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 requires firms to provide hiring preferences to persons with disabilities under certain circumstances.

The government did not effectively enforce the law. The government neither adopted regulations to implement the labor code nor took 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 above the official poverty income 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; employees of each enterprise or government agency negotiate with their employer to set the rate. The labor code calls for a maximum eight hours of overtime per week, but this was not enforced.

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 applies 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 and 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 artisanal 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. The vast majority, however, were employed by large, international firms; labor advocates complained these firms were not transparent about work conditions.

Union workers in many cases did not receive information about the risks posed by their jobs. The Ministry of Labor and Civil Service responded to reports of work-related accidents and ensured that affected employees were compensated as required by law, the government reported. Most accidents occurred in the mining sector.