

## 2009 Niger Human Rights Report

Niger is a republic that restored its multiparty system in 1999 following coups in 1996 and 1999; it has a population estimated at 15.4 million. In 2004 voters elected Mamadou Tandja to a second five-year presidential term in an election that international observers deemed generally free and fair. The ruling coalition of the National Movement for the Development of Society (MNSD) and the Democratic and Social Convention (CDS), joined by four other parties, won a majority of national assembly seats. President Tandja's second--and final, due to constitutional limits--five-year term was due to expire on December 22, 2009; however, he organized a controversial referendum that established the Sixth Republic and allowed him to remain in office for three additional years and that eliminated the term-limits provision, although this provision was specifically prohibited from revision in the 1999 constitution. To consolidate the power needed to approve these changes, President Tandja dissolved the National Assembly and the Constitutional Court, modified the electoral code, restricted basic freedoms, curtailed press freedom, and granted himself emergency powers to rule by decree and executive order. In 2007 the Tuareg rebel group Nigerien Movement for Justice (MNJ) launched a series of attacks against military and strategic installations in the north. The frequency and intensity of attacks diminished during the year, but the government continued to extend the state of alert declared in 2007 in 90-day increments until November 26, when the president lifted the state of alert. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority. Government respect for human rights did not improve from the previous year. Human rights abuses included the undemocratic manipulation of the constitution and the electoral process; extrajudicial killings and use of excessive force by security forces; poor jail and prison conditions; arbitrary arrest and detention; prolonged pretrial detention; executive interference in the judiciary; excessive use of force and other abuses in internal conflict; restrictions on press freedom; forcible dispersal of demonstrators; restrictions on freedom of movement; official corruption; official impunity; societal discrimination and violence against women; female genital mutilation (FGM); trafficking in persons; the practice of slavery by some groups; and child labor.

On April 4-6, the government and Tuareg rebels began peace talks in Tripoli under Libyan mediation, which resulted in direct meetings in Niger and led at least 1,000 rebels to surrender their arms during the second week of October. On November 26, the government lifted the state of alert it had imposed in 2007. Claiming he was responding to calls by allies and ordinary citizens to extend his term and complete some of the projects he initiated, President Tandja organized a controversial referendum and legislative elections after he dissolved the National Assembly, assumed emergency powers, dissolved the Constitutional Court, suspended related constitutional provisions, and amended the electoral code. The opposition, trade unions, and civil society organizations boycotted both consultations, arguing that the president's move was unconstitutional. International, regional, and bilateral bodies also rejected it. This situation prompted a series of demonstrations involving arbitrary detentions, beatings, and mistreatment of protesters, and restrictions on freedoms of assembly and of the press (see sections 2.a. and 2.b.).

### RESPECT FOR HUMAN RIGHTS

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

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

The government or its agents did not commit any politically motivated killings; however, security forces were responsible for the deaths of civilians in connection with the conflict in the north (see section 1.g.). Disputes between herders and farmers over land rights and grazing areas continued and resulted in several deaths.

For example, on March 6, unidentified gunmen killed at least 10 persons and burned hundreds of hectares of pasture in attacks on two herders' camps. State radio reported that an area of pasture estimated at 800 hectares (30 square miles) was burned in the attacks, close to the town of Mangaize (Ouallam) in Tillabery Region, 80 miles north of Niamey near the border with Mali. Tillabery regional authorities who visited the site stated that they would take every measure to find and arrest the killers. The case was settled during the reconciliation forum in April.

On March 20, dozens of sedentary villagers attacked a Fulani herder camp in Aboyok (Filingue), Tillabery Region, killing 18 persons, including 12 women, three children, and three elderly persons. The assailants also abducted and beat two young persons, one of whom reportedly died. Seventeen others were injured in

the incident. Villagers also burned the camp's school, several huts, and large areas of grazing land, and stole cash and livestock. Authorities arrested 13 suspects. The case was settled during the reconciliation forum in April.

On August 23, a group of eight armed Fulani stopped a passenger vehicle traveling from Balevara to Bani Bangou, near the village of Dangara, Tillabery Region. They stripped the passengers of their possessions, ordered everyone off the bus, and separated passengers into Fulani and Djerma groups. The attackers then opened fire on the Djerma group, immediately killing seven. Three others later died of injuries sustained during this attack.

On August 23, sedentary villagers carried out organized attacks on an unnamed Fulani herder community in Tillabery Region. According to local human rights groups, local authorities, and the Fulani community, these attacks resulted in 13 deaths (including four women, four children, and two elderly individuals); five victims suffered serious injuries. Authorities continue to investigate these killings.

On September 1, one person was killed and another injured in a skirmish between Malian herders and Nigerien villagers in Wanzarbe, Tillabery Region, near the Malian border.

On November 17, between Chinagoder and Banibangou in Tillabery Region, unidentified armed individuals killed a young man riding a motorcycle. On November 18, unidentified individuals attacked a nomad camp in the same area, killing three persons. Two tribal leaders were placed under custody as investigations continued.

The September 2008 community conflict that resulted in the death of 12 villagers in Chiwilli was settled via a forgiveness and reconciliation forum. In April the prime minister chaired a forum for the reconciliation of populations in northern Tillabery Region. Those in attendance urged the various communities to "forgive one another."

There were no further developments regarding either the 2007 dispute in Zinder Region that resulted in four deaths or the 2007 clash that left seven dead and seven injured in Tillabery Region.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, in December 2008 the UN secretary general's special representative for Niger, former Canadian ambassador Robert Fowler, and his special assistant Louis Guay and their driver disappeared. Kidnappers reported to be members of Al-Qaeda in the Maghreb freed the driver in Mali. He returned to Niger on March 26, after more than 100 days in captivity. The two UN officials were released on April 22.

On January 22, unknown assailants kidnapped four European tourists in Niger close to the border with Mali. On April 22, captors released two of the hostages (one Swiss woman and one German woman) in Mali. They killed a third hostage (a British man) in May and released the last hostage (a Swiss man) on July 12.

On December 28, unidentified armed individuals attacked a convoy of Saudi citizens en route to the Malian border, approximately 21 miles from Tillabery. The assailants killed three persons on the spot and injured four. One of the injured subsequently died at a Niamey hospital. The criminals tied and left the convoy's guides (two Malian nationals), who later managed to set themselves free. Authorities detained several individuals and investigations continued at year's end.

On December 30-31, an armed group, reportedly drug traffickers, clashed with the national army at Telemes, northwest of Tahoua near the Malian border. Resulting skirmishes took place over several days and left seven government soldiers, nine traffickers, and one civilian dead. The army reported seizing one vehicle and several weapons and taking an undetermined number of prisoners.

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

The constitution and law prohibit such practices; however, there were reports that security forces and the MNJ beat and tortured civilians in connection with the conflict in the north, where fighting between government and rebel forces also resulted in civilian injuries (see section 1.g.).

Police reportedly mistreated detained protesters, including politicians and civil society activists, and forcibly dispersed demonstrations, which resulted in injuries.

Disputes between farmers and herders resulted in deaths and injuries.

#### Prison and Detention Center Conditions

There were 38 penitentiaries with an estimated total of 7,000 detainees countywide. Prison conditions were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, Niamey's civil prison, a facility built for 350, held 861 inmates, including 654 awaiting trial and 207

sentenced; there were 35 women and 26 juveniles among the detainees. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition, sanitation, and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria.

Corruption among prison staff continued. Officials demanded bribes to let prisoners leave prison for the day and serve their sentences in the evenings or serve their sentences in the national hospital in Niamey. Pretrial detainees were held with convicted prisoners.

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

On March 2, the Ministry of Justice and the ICRC organized a training session for the penitentiary administration, aimed at improving detention conditions.

On October 5-15, the National School of Public Health (ENSP) conducted a capacity-building course intended to train and upgrade the skills of 29 members of the National Intervention and Security Forces (FNIS) who provide health care in various penitentiaries. The FNIS and the penitentiary administration funded the training with support from a foreign embassy.

#### d. Arbitrary Arrest or Detention

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

The state of alert in the north allowed security forces to arrest and detain individuals without charge indefinitely (see section 1.g.).

#### Role of the Police and Security Apparatus

The armed forces, under the Defense Ministry, are responsible for internal and external security. The gendarmerie, also under the Defense Ministry, has primary responsibility for rural security. The National Intervention and Security Forces (FNIS), under the Interior Ministry, are responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, are charged with urban law enforcement.

The police were ineffective, largely due to a lack of basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons-handling skills. Citizens complained that security forces did not adequately police border regions and remote rural areas. Corruption remained an ongoing problem. The gendarmerie is responsible for investigation of police abuses; however, impunity was a widespread problem.

#### Arrest Procedures and Treatment While in Detention

The constitution and law require a warrant for an arrest, and this generally was observed in practice in areas outside the north. Judges and prosecutors weigh evidence and issue warrants accordingly. Persons are brought before an independent judiciary. However, there were reports that several persons were detained arbitrarily under the state of alert. The law allows individuals to be detained initially for up to 48 hours without charge and allows an additional 48-hour detention period if police need more time to gather evidence. Detainees have a right to prompt judicial determination, and this generally occurred in practice. Security forces usually informed detainees of the charges against them promptly; however, detainees involved with sensitive cases were sometimes held longer than legally permitted. There is a functioning bail system for crimes carrying a penalty of fewer than 10 years' imprisonment. Those arrested must be notified of their right to a lawyer within 24 hours. Indigents are usually provided a lawyer by the government. Widespread ignorance of the law and lack of financial means prevented many from fully exercising their right to an attorney and the bail system.

Security forces arrested and detained journalists and political and civil society activists during the year.

On July 2, police released from custody Marou Amadou, leader of the United Front for the Safeguarding of Democratic Achievements (FUSAD, a civil society umbrella group made up of 22 labor unions and other organizations) and member of the Independent National Electoral Commission (CENI), after detaining him for several days on charges of provoking and demoralizing the security and defense forces. On August 10, the judicial police again arrested Amadou on charges of "undermining state security" following a FUSAD statement rejecting the August 4 referendum results and denouncing President Tandja's regime. Amadou was released on August 11, but security forces arrested him again and transferred him to the judicial police

for questioning on new charges of "operating a nondeclared organization." On August 13, Amadou appeared before the investigating judge who determined that he should remain in custody pending further examination of the case. He was transferred to a maximum security prison where he remained in detention after various failed attempts to obtain provisional release. He was released on bail on September 15. On September 17, Amadou moved from his house to an undisclosed location following rumors that the police were trying to arrest him again after he criticized the regime in a press conference on September 16. He reappeared on September 21, and was able to travel overseas on October 4. He returned on October 29. On July 18, security forces detained Niger Party for Democracy and Socialism (PNDS) member Alassane Karfi for questioning following his July 17 remarks on Dounia Television about opposing the August 4 referendum. On July 19, security forces transferred Karfi to Koutoukale maximum security prison based on orders from the public prosecutor. The Tribunal of Niamey granted him provisional release on October 13. On July 21, security forces detained former foreign minister, National Assembly deputy, and deputy chairperson of the PNDS Bazoum Mohamed and questioned him regarding his participation in opposition efforts to organize a boycott of the August referendum.

Between September 3 and 5, Niamey police summoned, questioned, and detained 35 former National Assembly deputies, mostly from opposition parties; members of the administrative staff; and vendors. Reportedly, the arrests related to "illegally received amounts." These involved deputies accepting benefits that they had approved for themselves by motion rather than through enactment of a law. The Constitutional Court found against this maneuver, whereupon the deputies passed a law to the same effect. The government took issue with their retaining the excess benefits from the period before the passage of the law. The "illegally received amounts" involved 124 National Assembly members during the previous three legislatures. On September 7 and 8, the 35 arrested former parliamentarians appeared in court. Three former lawmakers, two staff members, and two vendors were jailed; 28 deputies were arraigned and granted provisional release.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. The law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for minor offenses, with special extensions in certain sensitive cases; however, some persons waited as long as six years to be tried. At year's end, 76 percent of the prisoners in Niamey's civil prison were awaiting trial. Trial delays occurred due to factors including lengthy legal procedures, inadequate resources, staff shortages, and corruption.

Amnesty

On October 23, President Tandja granted amnesty to Tuareg rebels who had given up arms, to security forces, and to all those involved in the conflict in the northern region.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. Corruption and inefficiency were problems. Judges sometimes feared reassignment to lower positions or to remote areas of the country if they rendered a decision unfavorable to the government. In civil matters there were reports that family and business ties influenced lower court decisions. In some instances judges granted provisional release pending trial to high-profile defendants. These defendants were seldom called back for trial, had complete freedom of movement, and could leave the country.

The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews application of the law and constitutional questions. The High Court of Justice (HCJ) deals with cases involving senior government officials. The justice system also includes civil criminal courts, customary courts, traditional mediation, and a military court. The military court provides the same rights as civil criminal courts; however, customary courts do not. The military court cannot try civilians.

Under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate in many customary law matters, including marriage, inheritance, land, and community disputes, but not in all civil issues. Chiefs received government stipends but had no police or judicial powers.

Customary courts, based largely on Islamic law and local tradition, are located only in large towns and cities and try civil law cases. A legal practitioner with basic legal training, advised by an assessor knowledgeable in the society's traditions, heads these courts. The judicial actions of chiefs and customary courts are not regulated by formal law, and defendants can appeal a verdict in the formal court system.

Trial Procedures

The law affirms the presumption of innocence. Trials are public, and juries are used. Defendants have the right to counsel, including at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Those arrested must be notified of their right to a lawyer within 24 hours of detention. Defendants also have the right to be present at trial, to confront witnesses, and to present witnesses on their own behalf. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants may appeal verdicts, first to the court of appeals and then to the Supreme Court. However, widespread ignorance of the law prevented many accused from taking full advantage of these rights.

Women do not have equal legal status with men in customary courts and traditional mediation and do not enjoy the same access to legal redress.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Courts of civil procedure exist in each major city. These courts are generally independent and impartial, and there is access to seek damages for and cessation of human rights violations. These courts hear lawsuits related to civil matters and can apply judicial remedies, while a single appellate entity is responsible for administrative remedies.

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

The constitution and law generally prohibit such actions, and the government generally respected these prohibitions; however, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

In 2007 the MNJ began a series of attacks against military and strategic installations in the country's uranium-rich northern region. The MNJ demanded greater regional autonomy and a larger share of the region's resources and claimed the government had not honored provisions of the 1995 peace accord that ended a five-year Tuareg rebellion. The government stated it had fulfilled most of the peace accord provisions. In response to the attacks, the government sent at least 4,000 troops to the region, where they continued to operate under special powers the president granted under the state of alert declared in 2007, until the government on November 26 lifted the state of alert. The state of alert allowed the government to arrest and detain persons without charge indefinitely, restrict freedom of movement, and ban live broadcasts discussing the government's policy in the north.

#### Killings

Fighting between government and rebel forces resulted in the deaths of several civilians during the year.

For example, on February 13, the army reported having killed one civilian in Tamazlak.

Soldiers killed suspected informants and rebel collaborators. There were reports that the army killed at least four civilians in the north during the period of January 9 to March 19.

There were no developments regarding the government's investigation into the army's 2007 killing of six civilians and an off-duty police officer near Tiguidit. In late September the victims' families decided to refer the case to the Economic Community of West African States (ECOWAS) Court of Justice, with a complaint against the government for failure to investigate the case and to bring suspected perpetrators to justice.

During the year landmines killed and wounded several persons, according to press reports. The government and the MNJ accused each other of laying the landmines.

According to local media, on March 8, a landmine exploded and injured three persons in Dao Timi, Bilma; on September 12, a landmine accidentally killed at least one government soldier and injured several others in Gougaram, Arlit.

#### Abductions

Local human rights organizations and media published a list of at least 50 individuals held since 2007 in connection with the conflict in detention centers in various localities. While several were released in March, there were no credible reports that other detainees were released (see section 1.d.).

In February security forces detained four Swiss nationals in Dirkou, a town and military outpost located in the country's northeast corner, within the area under the state of alert. The four had traveled throughout the country and apparently were en route to Chad when security forces detained them and escorted them to Niamey.

There were several cases of abduction by alleged Tuareg rebels. On October 7, two unidentified gunmen briefly detained four employees of a mining company (three French citizens and one Nigerien) near the town of Arlit. The captors forced their victims to drive approximately 15 miles from the town, then forced them out and stole the vehicle.

#### Physical Abuse, Punishment, and Torture

There were reports of torture by both government soldiers and Tuareg rebels.

There were reports that the army arrested several civilians and beat and detained them in military barracks before turning some over to law enforcement officials. Security forces held some individuals incommunicado.

Alleged rebels stopped transport vehicles, beat passengers, and stole their valuables.

#### Child Soldiers

There were no reports of children being used in conflicts.

#### Other Conflict-Related Abuses

Due to the peace efforts that reduced the conflict during the year and the recent disarmament of rebel groups, there were reports that displaced populations were gradually returning to their villages. Humanitarian organizations estimated that of approximately 5,000 persons who fled Iferouane, only an estimated 500 were still displaced at the end of August. The state of emergency still in effect in the region and landmines on all major roads had limited the government and humanitarian organizations' access and assistance north of Agadez.

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

##### a. Freedom of Speech and Press

The constitution provides for freedom of expression; however, the government did not respect press freedom in practice, particularly in relation to the conflict in the north. Journalists practiced self-censorship. The state of alert in the north restricted journalists' travel and their reporting on the conflict (see section 1.g.).

Individuals generally could criticize the government publicly or privately without reprisal; however, the government attempted to impede criticism.

The government published a daily newspaper. There were approximately 45 private newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions. Radio was the most widely accessible medium. A government-owned radio station provided news and other programs in French and local languages. There were 15 private radio stations; eight were locally owned and featured news in local languages. Private radio stations were generally less critical of the government than private newspapers.

The two government-owned television stations broadcast in French and the major national languages.

Three private television stations broadcast local and foreign programming and also began a daily newscast. A fourth private channel broadcast religious programming. International channels were available in Niamey.

International media were not allowed to operate freely. The government did not allow them to cover events freely in the north (see section 1.g.). BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America and Deutsche Welle.

Security forces arrested and detained journalists during the year, mostly in relation to reporting on the conflict in the north. Security forces also arrested journalists under libel laws for reporting on other subjects.

The government suspended or closed several private media outlets during the year. One radio station-- Sahara FM--remained closed at year's end. Government officials continued to use criminal libel laws and the media regulatory body to intimidate critics.

On January 23, judicial police arrested Boussada Ben Ali, publication director for independent weekly newspaper L'Action, following a complaint filed by the minister of economy and finance. Ben Ali was arrested for allegedly "divulging information likely to undermine public order." The charge stemmed from an article published in the January 13 edition of L'Action, which questioned the minister's awarding of a contract for the procurement of medical equipment. The same article also reported that the minister had inappropriately diverted CFA 127 billion (approximately \$283 million) from a petroleum agreement between Niger and China. On January 17, the High Council for Communications (CSC), the governmental media regulatory body, summoned Ben Ali to watch a video it said disproved his claim. The High Council

ordered him to retract the story, but he refused. The Tribunal of Niamey arraigned Ben Ali and remanded him into custody on January 26. On February 6, the court convicted him of "disseminating information likely to undermine the public order" and sentenced him to three months in prison. He was released on April 26.

On April 1, police arrested and detained Abibou Garba, owner of the private media group TV and Radio Dounia, on charges of "broadcasting false information." Garba's arrest resulted from a March 27 debate broadcast on Dounia TV on French President Sarkozy's visit to Niger. During the debate, a civil society activist alleged that the true motive of Sarkozy's visit was to attend to private business matters related to French energy company Areva. Authorities provisionally released Garba on April 2 pending trial. No trial date was announced.

On April 6, the judicial police arrested and detained Ali Soumana, publisher of the independent newspaper *Le Courrier*, following a defamation complaint brought against him by the managing director of the state-owned water company SPEN, based on an article printed in the newspaper's March 26 issue accusing SPEN's manager of engaging in "dirty business deals" with a Chinese geological engineering company, which the newspaper claimed was corrupt, deceptive, and blacklisted by the World Bank. On April 7, the state prosecutor charged Soumana with two counts of "defamation" and "publishing false information" and released him until his trial on a date that had not been determined.

On April 29-30, the judicial police temporarily summoned Moussa Aksar, director of publication of the independent newspaper *L'Evenement*, in connection with an article which called for parliamentary investigations into certain mining licenses and a contract for one billion CFA (approximately \$2.2 million) that the minister of the interior awarded to President Tandja's brother for the purchase of police motorcycles. When the police requested that he disclose his sources, Aksar refused to do so.

On June 29, the CSC ordered TV and Radio Dounia to suspend broadcasting indefinitely. The CSC president signed the order despite the objections of a majority of CSC board members, who issued a public statement to denounce the procedure as improper. Independent media organizations issued a strong statement criticizing Dounia's suspension. Dounia reopened on July 3 following a legal reversal of the CSC's suspension order. This was the second recent court decision vacating a CSC suspension order in Dounia's favor. On June 17, the Supreme Court ruled that the CSC overstepped its legal authority in suspending the Dounia Group for one month. The Supreme Court also ruled that the CSC's decision to suspend Dounia in August 2008 was unwarranted and ordered the government to compensate Dounia for lost revenue.

On July 8, President Tandja signed a resolution to amend Law No. 2006-24 of July 24, 2006 and greatly expand the authority of the CSC chairman. The resolution was implemented under the president's invocation of Article 53, granting himself emergency authority to rule by decree. The CSC chairman was empowered to take preventive measures without prior notification or approval from other council members if he determines that a media outlet has published or broadcast information deemed threatening to the state or public order. Under the new resolution, the CSC chairman is required to inform other council members only after disciplinary action has been taken, whereas until then such action could only be done with the approval of a quorum of council members, formal notification, and a hearing. The political opposition and defenders of press freedoms decried this attempt to constrain the private press.

Between July 20 and 26, independent media organizations went on strike to protest the president's unilateral decision to restrict their activities by expanding the authority of the CSC chairman. They decried the new powers of the CSC chairman to close independent media operators without due process, which they claimed undermined democracy and the rule of law during a critical period of national political debate. They demanded an immediate repeal of this decision.

On August 1, police summoned eight editors of independent local media organizations for questioning, just three days before the constitutional referendum intended to extend President Tandja's term of office. Police questioned the eight journalists (Moussa Aksar of *L'Evenement*, Ibrahim Souley of *L'Enqueteur*, Oumarou Keita of *Le Republicain*, Zakari Alzouma of *Opinions*, Abard Mouddour Zakara of *L'Actualite*, Assane Sadou of *Le Democrate*, Abdoulaye Tiemogo of *Le Canard Dechaine*, and Ali Soumana of *Le Courrier*) on reports published the previous week implicating one of the president's sons in a deal alleged to have netted him millions of dollars in kickbacks for brokering a uranium mining contract (see section 4). After being questioned and accused of defamation, six of the eight journalists were released after several hours without charges.

Two of the journalists, Tiemogo and Soumana, were held at the main police station in Niamey until their trials on August 11. In addition to questioning regarding the corruption charges levied against the

president's son, officials accused Tiemogo of libel for a report published by his newspaper implicating the minister of justice in the mismanagement of 220 million CFA (approximately \$490,000), meant for a study on slavery in Niger, while he served as the president of the National Commission for Human Rights and Fundamental Liberties (CNDHFL). The police also questioned Tiemogo regarding a statement he made on Dounia TV on July 31 claiming that the new international arrest warrant for former prime minister Hama Amadou on charges of "illicit enrichment" and money laundering was politically motivated. Police accused Tiemogo of "discrediting the Ministry of Justice."

On August 18, Tiemogo was sentenced to a three-month jail term for "discrediting a judicial decision" because of his statements criticizing the prosecutor's decision to issue an international arrest warrant for former prime minister Amadou. Tiemogo appealed the sentence. An appeal hearing took place on October 12; a verdict to reduce his sentence to two months (time already served) was delivered on October 26, and Tiemogo was released.

On August 31, security officers forcibly moved Tiemogo from the Niamey National Hospital, where he was being treated for acute malaria, to a remote prison in Ouallam, 60 miles north of Niamey. Tiemogo's transfer was reportedly a deliberate attempt to isolate him and put his health at risk.

Officials detained Ali Soumana of *Le Courrier* in connection with a report that claimed that the CNDHFL misused 350 million CFA (approximately \$780,000) allocated for oversight of the August 4 constitutional referendum. Soumana was granted provisional release on August 5. No date was set for his trial.

On August 2, 10 independent media organizations released a statement criticizing the government and police attempts to block investigations of corruption and to prevent antireferendum voices from being heard. Media organizations also said that the CSC president blamed the deputy director of Dounia Media Group for granting nearly unlimited air time to opposition leaders who called for action to prevent the referendum. The statement further noted that the minister of the interior had forbidden a Dounia journalist to report on citizens who planned to abstain from voting in the August 4 referendum. The Africa Program coordinator of the New York-based nongovernmental organization (NGO) Committee to Protect Journalists (CPJ) said, "The detention of Abdoulaye Tiemogo and Ali Soumana is part of a disturbing trend of harassment of independent journalists reporting on corruption in Niger."

On August 5, the police summoned the editor of Dounia TV, Seyni Amadou, and the director of Dounia Radio, Mahirou Amadou, for questioning about the July 31 Tiemogo interview. They were released without charge.

On September 20, security officials arrested the director of the private news weekly *Le Temoin*, Ibrahim Soumana Gaoh, for alleged defamation after publishing an article accusing the then minister of communications and government spokesperson, Ben Omar, of embezzlement. On September 23, the Tribunal of Niamey prosecutor charged Gaoh with defamation and ordered that he be held without bail until his trial on September 29. Security officials transferred Gaoh from police custody to the Niamey civil prison. On September 29, the court released him and dropped charges against him after his newspaper ran a full retraction in its September 28 edition. The retraction apologized for the false accusation linking the former minister of communication to a financial scandal at the telecommunications firm SONITEL. Sahara FM, a private radio station in Agadez, which the CSC closed in April 2008 for broadcasting interviews with alleged victims of abuse by government troops, remained closed.

There were no further developments regarding journalists Aksar and Aboubakar's appeal of the November 2008 suspended sentences against them.

There were no further developments in the case of journalist Moussa Kaka (see section 1.d.). There were no further developments in the case of Air Info editor Ibrahim Manzo (see section 1.d.).

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, few citizens used the Internet, due to lack of infrastructure. According to International Telecommunication Union statistics for 2008, approximately 0.54 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

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

##### Freedom of Assembly



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

On February 26, three civil society umbrella groups organized a protest march and rally to denounce a bill increasing National Assembly members' allowances. There were reports that police used tear gas to prevent students from attending the protest.

On April 1, students staged a strike and violent protests in support of contract teachers in their dispute against the government over improvement of their working and living conditions. Police arrested two student leaders. On April 7, the Tribunal of Zinder charged the students with damaging private vehicles. On April 8, while the strike continued, the governor of Zinder terminated contract teachers and requested labor inspectors to prevent the private sector from employing them. On April 8, authorities released the students. On April 13, supporters of former prime minister Hama Amadou attempted to prevent a meeting of the new MNSD leadership. Police intervened to disperse the crowd. At least 20 protesters were injured.

On April 13, students demonstrated in Tahoua. Police arrested 52 students; they released 35 the same day and kept the 17 others in custody. On April 14, the Tribunal of Tahoua dismissed the cases of 14 students and granted provisional release to the other three.

On June 1, an antireferendum demonstration turned into a riot in the city of Dosso, located 85 miles east of Niamey. Local police and armed forces with support from additional troops from Niamey restored order. Protesters set fire to the traditional chief's house and the governor's office and damaged several vehicles and other property. The police arrested and detained 11 local opposition members. The Niamey Court of Appeals heard the defendants' appeal and released them on November 3.

On July 15, security forces used batons and tear gas to break up a rally by a group of women activists associated with the FDD demonstrating in support of the dissolved Constitutional Court and its former president.

On July 17, pro-Tazarce youths ("Tazarce" is Hausa for "let it continue") who supported an extension of President Tandja's presidency interrupted an antireferendum conference being held in Zinder.

On July 22, the government requested the judiciary to ban the planned strike by the Inter-Union of Nigerien Workers (ITN), an association of the nation's seven labor confederations. A Niamey court ruled the threatened strike to be illegal. The ITN notified the government of its intention to hold a 48-hour strike to commence on July 23 in opposition to the referendum. The strike took place on July 30.

On July 23, the mayor of Niamey's Commune III refused to grant a rally permit to opposition groups which planned to demonstrate on July 26. Opposition representatives declared that they reserved the right to protest with or without rally permits through the referendum period. On the other hand, a proreferendum rally under the auspices of the first lady took place in Niamey on July 25.

On August 11, between 2,000 and 3,000 persons gathered outside the courthouse and staged a protest when police denied some of them access to FUSAD president Amadou's hearing. Police used tear gas and batons to disperse the crowd and detained an estimated 50 persons. Several individuals were injured including a journalist who suffered a broken wrist. The police released all those detained the same day.

On August 22, police prevented the CFDR from organizing a rally against the new constitution in front of the National Assembly. Municipal authorities had banned the rally, but the CFDR vowed to defy the injunction. When they were denied access to the National Assembly, hundreds of protesters moved to the Nigerien Alliance for Democracy and Progress (ANDP) headquarters, where they met. The police used tear gas and batons to disperse the crowd, and made several arrests. A few protesters suffered minor injuries in the confrontation with the police. Violent demonstrations were reported in Tahoua and Tillabery, where police arrested several persons. The CFDR reported that police arrested 16 individuals in Niamey, 11 in Tillabery, and 14 in Tahoua. Among those arrested were former member of parliament Soumana Sanda, a supporter of former prime minister Amadou, and Mamane Wada, secretary general of the Nigerien Association for the Fight Against Corruption (Niger's chapter of Transparency International). On August 27, the Tribunal of Niamey granted provisional release to 11 of the 18 persons detained, including Wada. The seven others were released during the first week of September.

On August 30, police forcibly dispersed a rally by the CFDR supporting the reinstatement of former members of the National Assembly. Police tracked down, beat, and injured several persons, including reportedly innocent onlookers.

On September 21, Zinder regional police used tear gas and batons to disperse the population of Korin Bakoye for celebrating Eid al-Fitr one day later than the government's announced Eid date.

On October 6, national police prevented 67 former National Assembly members from entering the headquarters of an opposition political party where they hoped to hold a meeting.

On October 27, the mayor of Niamey's Commune III refused to grant the Coordination of Niger's Civil Society (CSCN), another opposition umbrella group and member of the CFDR opposition coalition, a permit to demonstrate on October 31. The mayor claimed that "according to information in his possession" the proposed protest would disturb public order and that he did not have enough forces to police the event.

#### Freedom of Association

The law provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region.

During the year the government attempted to restrict the activities of various civil society associations. For example, on August 13, the government brought a case against FUSAD president Amadou on charges of "operating a nonauthorized organization."

On October 22, the Ministry of Youth and Sports sent a notice of eviction to Mahaman Hamissou, president of the CSCN, for alleged nonpayment of rent by his association. The CSCN rents an office within the government-owned Seyni Kountche Stadium. Hamissou said that he had receipts for all payments made during the year and denounced the government action as an attempt to restrict the activities of his association.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. Although the minister of religious affairs attempted to ban religious speech he considered threatening to public order, the government generally respected religious freedom in practice. Islam was the dominant religion, and the Islamic Association, which acted as an official advisory committee to the government on religious matters, broadcast biweekly on the government-controlled television station. Government-controlled media broadcast Christian programs only on special occasions, such as Christmas and Easter, although independent media regularly broadcast such programs.

Religious organizations must register with the Interior Ministry. Registration is a formality, and there was no evidence that the government favored one religious group over another or that it ever had refused to register a religious organization. Approval is based on submission of required legal documents and the vetting of organization leaders.

The government monitors religious expression it views as potentially threatening to public order or national unity.

On March 11, the Niger Islamic Council (CIN), which includes the Islamic Association as a member, recommended to the government that sermons be regulated by requiring the CIN's approval of any preaching sessions. There were no reports that the government enforced this proposal in practice.

On March 17, the minister of religious affairs issued a statement, which constituted a ban, on national radio and television, regarding the practice of public preaching, to prevent "provocative sermons." The minister banned "parallel preaching" in markets or other "inappropriate locations."

On September 21, Zinder regional police used tear gas and batons to disperse the population of Korin Bakoye for celebrating Eid al-Fitr one day later than the government's announced Eid date.

#### Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took steps to promote religious freedom during the year. However, on March 3, two Muslim sects clashed in Niamey over the interpretation of Islamic doctrine. The police dispersed the crowd and briefly detained several protagonists.

On February 24, the Catholic Church in Niamey conducted an evaluation of its training that promoted interfaith sensitivity and dialogue. Evaluators recommended continued dissemination of positive views shared by Muslims and Christians and called on religious leaders to continue educating people to avoid behavior and language likely to sow discord.

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

For a more detailed discussion, see the 2009 International Religious Freedom Report at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

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

The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government continued to restrict freedom of movement in the north (see section 1.g.). The government also restricted foreign travel by former parliamentarians.

Throughout the country security forces at checkpoints monitored the movement of persons and goods, particularly near major population centers. They sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. During the year bandits set up roadblocks along highways where they robbed and killed travelers.

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

Following the November 3-8 arrests of former parliamentarians, the government banned foreign travel for 124 former National Assembly members for an unspecified period. Former National Assembly members accused President Tandja of harassing them because of their refusal to approve a three-year extension to his original mandate and their intention to investigate alleged corruption scandals involving the executive branch regarding the allocation of mining permits and management of funds generated by the mining sector. According to former lawmakers, this resulted in the dissolution of the National Assembly and the organization of the controversial referendum.

For example, authorities told Fatouma Zara Zeine, a member of the dissolved National Assembly, to refrain from traveling to the United States on September 4. On September 10, police at Niamey Airport denied former deputy and opposition leader Mahamadou Issoufou access to his flight to Benin and confiscated his passport. Subsequently, Issoufou received a summons requesting him to appear before a judge in connection with the National Assembly-related travel ban (see section 2.b.). Issoufou lodged a complaint regarding the travel restriction. On September 22, the court ordered that his passport be returned and he be allowed to travel.

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

Internally Displaced Persons (IDPs)

The conflict in the north displaced many persons (see section 1.g.).

International humanitarian organizations also reported that community conflict between farmers and herders especially in northern Tillabery Region caused displacement. Because of the pressures of desertification and population growth on subsistence farming and livestock herding, the main activities in this region, competition among farmers and herders for limited natural resources increased in recent years. The government and humanitarian organizations provided food for IDPs. In April, following a request from the Agadez governor's office, the World Food Program delivered 690 metric tons of food to the northern communes, intended for 20,000 persons. According to local NGOs, approximately 100 school children were displaced from Iferouane. Agadez regional authorities stated they allowed many displaced parents from Iferouane and Tchintelous who settled in Agadez City or Arlit to register their children in public schools. Authorities assigned teachers to the schools and supplied those that had canteens.

With the easing of the conflict in 2009, many IDPs started to return home. According to NGO reports, the return movement to Iferouane started at the beginning of the year with dozens of persons with support from the local town council. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of July, five humanitarian clusters (health, nutrition, food security, education, and water, sanitation and hygiene) were functioning across the country and OCHA had opened a suboffice in Agadez.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. However, its laws do not provide for granting asylum or refugee status in accordance with the 1951 UN Convention or the 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government did not routinely grant refugee status or asylum but provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year the government also provided temporary protection to approximately 352 individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In 2004 voters elected Mamadou Tandja to his second five-year presidential term with 65 percent of the vote in an election that international observers described as generally free and fair, despite some irregularities on election day. However, citizens' right to choose their leaders was subsequently abridged by the president's actions, widely viewed as unconstitutional and taken to consolidate his hold on power.

On August 4, the government organized a controversial referendum on a new constitution after President Tandja dissolved the National Assembly, assumed emergency powers, dissolved the Constitutional Court, suspended related constitutional provisions, and amended the electoral code.

Opposition parties, civil society organizations, labor unions, and regional and international bodies in vain pressed the president to refrain from organizing the referendum. Although accounts of the level of voter participation vary widely, the CENI claimed that 92.5 percent voted in favor of adopting the new constitution, which permits the president to remain an additional three years in office, confers full executive powers, and eliminates presidential term limits after 2012.

On October 20, the government organized legislative elections based on the new constitution to replace the 113 members of the National Assembly which had been dissolved on May 26. Under the previous constitution, the president was required to organize legislative elections within 45-90 days after the dissolution of the National Assembly. Six million voters were registered for both the referendum and the legislative elections. There were 19,331 polling stations nationwide. The referendum and the legislative elections took place in a generally peaceful atmosphere. Several groups of African and local observers monitored the polls and stated that the elections were generally free, fair, and transparent despite some irregularities on election day.

However, traditional observer groups including the UN, the African Union, ECOWAS, the Francophonie Organization, and foreign embassies refused to monitor the referendum and legislative elections. Various competing parties and independent candidates complained about purported illegal practices such as the distribution of money and other gifts for votes, partisan transportation of voters, ballot stuffing, missing ballots for some parties at some polling stations, late opening of polling stations, interference with voting by government officials, and corruption of local CENI members.

Under the new constitution, enacted on August 18, the president appoints one-third of the Senate's 60 members, the prime minister, five of nine members of the Constitutional Court (the presidents of the National Assembly and the Senate appoint two each), four of seven members of the CSC media regulatory body (the presidents of the National Assembly and the Senate each appoint one, and the minister of communication appoints one), and the presidents and vice presidents of the latter two institutions.

The new constitution established a presidential-type political regime under which the president cannot dissolve the National Assembly and the latter cannot sanction the prime minister via a motion of no confidence. Unlike under the previous constitution, the prime minister is no longer head of government.

The president now holds that position.

The new constitution states, "The President of the Republic is the exclusive holder of the executive power. He is the head of government. He appoints the Prime Minister and cabinet members and determines their powers. The Prime Minister and members of the cabinet report to the President. He terminates their functions" (Article 48). "The President of the Republic is elected via free, direct, equal, and secret universal suffrage, for a mandate of five years renewable" (Article 39).

While the previous parliamentary system comprised only a single-chamber National Assembly, the new constitution provides for a bicameral parliament. "The legislative power is executed by the Parliament. Parliament is made up of two chambers: the National Assembly... [and] the Senate" (Article 68). National Assembly members (Deputies) "are elected via free, direct, equal, and secret universal suffrage. The legislature lasts 5 years" (Article 69). The Senate "ensures the representation of local councils, traditional chiefs, and Nigeriens abroad. Two-thirds (2/3) of Senate members are elected via indirect universal suffrage. The other third is appointed by the President of the Republic. Senators' mandate lasts 5 years. No one can be elected or appointed Senator if he/she is not at least 45 years old on the day of voting or appointment" (Article 72).

Some provisions of the new constitution are not subject to change. "No revision procedure can be engaged or pursued when there is an offense against the integrity of the national territory. The republican form of State, the multiparty system, the separation of State and religion, and the provisions of articles 154 and 159 cannot be revised" (Article 152).

Article 154 of the new constitution stipulates, "The incumbent President of the Republic shall remain in office until the presidential election, which will take place in December 2012."

Article 159 provides that "Law 2000-14 of January 24, 2000[,] regarding amnesty for the authors of the January 27, 1996[,] and April 9, 1999[,] coups d'etat shall remain in force in all its provisions."

"Legislative elections will take place no later than October 2009. While awaiting the installation of the National Assembly, the President of the Republic is empowered to execute legislative powers via ordinances, in the following areas: political elections, installation of new institutions, [and] implementation of agreements with foreign partners" (Article 155). "Local elections will take place no later than December 2009" (Article 156).

In the October 20 legislative elections, the MNSD, the main party of the coalition supporting President Tandja, won 76 of the 113 National Assembly seats. Five parties aligned with the MNSD won 25 seats while 11 seats went to independent candidates. The Nigerien Party for Self-Reliance (PNA), one of the three opposition parties that did not boycott the election, won one seat. The Constitutional Court validated the results on November 10, and the National Assembly was installed on November 14. Due to the ongoing political crisis, the referendum, and legislative elections, the president reshuffled the cabinet several times--on May 14, June 29, August 19, October 2, and October 10. On October 2, the president appointed Ali Badjo Gamatie as prime minister; former prime minister Seini Oumarou had resigned September 23 to be eligible to run in the October legislative elections.

Opposition parties, civil society organizations, and labor unions boycotted and rejected the results of the August referendum, which they considered "a constitutional coup d'etat." They also boycotted the October legislative elections. Regional and international bodies continued to press the political protagonists for a dialogue to restore a "normal constitutional order."

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

The law mandates that women fill 25 percent of senior government positions and 10 percent of elected seats; women held at least 10 percent of the 3,724 local council positions. There were 11 women in the 113-member National Assembly and seven female ministers in the 32-member cabinet; five of the country's 20 ambassadors were women.

All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, reported to be half-Fulani and half-Kanuri, is the country's first president who is not from either the Hausa or Djerma ethnic groups, which respectively make up 56 percent and 22 percent of the population.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem. The government publicly acknowledged corruption as a problem.

Civil servants sometimes demanded bribes to provide public services. A poorly financed and trained law enforcement system and weak administrative controls compounded corruption. Other underlying causes were poverty; low salaries; the politicization of the public service; the influence of traditional kinship, ethnic, and family ties on decision making; a culture of impunity; and a lack of civic education.

In January 2008 the government established an intersectoral committee on corruption charged with "examining and approving general and annual ... plans for actions to be carried out in ... support for the fight against corruption." On September 24, the minister of justice chaired the opening of a capacity-building workshop for judges on the implementation of laws and regulations relating to economic and financial crimes.

As a consequence of this year's political crisis, there was a delay in drafting the legislation to establish a national agency for the fight against corruption.

On July 27, several local newspapers featured a purported memorandum of agreement between Multimedia Communications and one of the president's sons, Hadia Toulaye Tandja, on the one hand, and an Australian mining firm on the other, detailing the creation of a company called "Niger Uranium Ventures SA." Under the agreement, signed in January 2008, the manager of Multimedia Communications, Ibrahim Hamidou, a reported political and business associate of the president's family, and the president's son were to share a commission of \$5 million plus 25 percent of the new company's shares. In a television interview the manager of Multimedia Communications acknowledged the existence of the contract but said he had not yet received the money. There were no further developments or prosecutions in the matter.

On December 11, the Tribunal of Maradi ordered the arrest of five mayors from Maradi Region on charges of embezzling public funds. The defendants included the mayors of Aguie, Tchadaoua, Madarounfa, Tibiri, and Gangara, and their respective financial managers. Investigations continued at year's end.

There were no further developments regarding the three district mayors of the city of Maradi detained in March 2008 for purported involvement in corruption and given provisional release.

There were no further developments regarding the case of the mayors of Falmey, Ngonga, and Dosso in Tillabery Region, detained in April 2008 on mismanagement and corruption charges.

There were no further developments regarding the case of the mayors of Sokorbe and Loga in Dosso Region, detained in May 2008 on charges of embezzlement.

There were no further developments regarding the case of the mayor of Niamey Commune II, Seyni Mounkaila, suspended in June 2008 for embezzlement of 125 million CFA (approximately \$280,000).

In June 2008 the National Assembly passed a resolution requesting that the HCJ indict former prime minister Amadou on charges of misusing funds meant to support the private press, and the HCJ subsequently ordered Amadou be detained at the maximum security Koutoukale prison. On April 23, the HCJ approved Amadou's request for provisional release. He left the country on April 24 to seek medical care in Europe. On July 29, the Tribunal of Niamey issued an international warrant via Interpol for his arrest on charges of "illicit enrichment" and money laundering in the amount of 15 billion CFA (approximately \$33 million), including 500 million CFA (\$1.1 million) in shares of a telecommunications company put in his son's name. Amadou and his supporters continued to claim that the warrant for arrest was another example of political harassment against him.

In November 2008 the Supreme Court indicted and ordered the arrest of former justice minister Maty Elhadji Moussa on charges of illicit enrichment and fraud. The Supreme Court granted Moussa provisional release in June.

There were developments in the 2007 corruption case involving the president of the Niamey City Council, Aboubacar Seydou Ganda, and five of his senior staff members. Ganda and 12 other persons involved in the case remained on provisional release.

There were no developments in the MEBA corruption case reopened in December 2007 and subsequently postponed.

Articles 43 and 44 of the new constitution require the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office. These statements are to be updated annually and at the end of an individual's term. Initial statements and updates are published in the National Register and the press. Copies of the statements are forwarded to fiscal services. Any discrepancy between the initial and the updated statements must be justified. The Constitutional Court has authority to assess such matters. The State Inspectorate and the country's courts are responsible for combating government corruption.

There were no laws that provided for public access to government information; however, many documents could be obtained from individual ministries and the National Archives. The government granted access to government information to both citizens and noncitizens, including foreign media.

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

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

The government-established CNDHLF operated without government interference; however, it lacked resources, was generally considered ineffective, and it issued few reports or recommendations.

In August 2008 the government established a mediator of the republic. The mediator's role is to solve difficulties in the implementation and interpretation of laws and regulations. The president appoints the mediator, who is an independent administrative authority charged with investigating citizens' complaints and trying to find amicable solutions. The mediator has no decision-making powers, however, and instead submits results of investigations to the president and the prime minister.

There were no further developments regarding the August 2008 appeals of the Niamey District Court's verdict on the 2005 beating of civil society activist Nouhou Arzika.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally effectively enforced these prohibitions.

#### Women

Rape is punishable by 10 to 30 years' imprisonment, depending on the circumstances and age of the victim. The law does not explicitly recognize spousal rape but appears to cover it in practice. Authorities made efforts to enforce the law. Although statistics were not available, the Court of Appeals tried several criminal rape cases during the year. For example, on January 5, the Konni Court of Assizes had four rape cases on its calendar; on January 12, the Maradi Court of Assizes had 15; and on December 2, the Tribunal of Dosso had 17. However, in many cases spousal rape did not lead to prosecution, as victims often sought to resolve the issue within the family or were pressured to do so.

Domestic violence against women was widespread, although reliable statistics were not available regarding occurrences, prosecutions, or convictions. Husbands commonly beat their wives. The law does not explicitly prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which ranged from two months in prison and a 10,000 CFA (approximately \$22) fine to 30 years' imprisonment. The government tried with limited success to enforce these laws; courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system and fear of repudiation or social stigma. The Ministry of Women's Promotion and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women through several events that received wide media coverage.

According to the UN Children's Fund (UNICEF), 429 cases of violence against women were reported from October 2006 through September 2007. However, this figure is thought to understate greatly the actual prevalence. Battery represented 44.9 percent of the cases, indecent assault 17.6 percent, and rape or attempted rape 16.4 percent.

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

Sexual harassment is a crime punishable by prison sentences from three to six months and fines of 10,000 to 100,000 CFA (approximately \$22 to \$220). 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 (\$45 to \$450). Sexual harassment was common. Courts enforced applicable laws as cases were reported.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. However, while the law protects reproductive rights, information regarding reproductive rights was not readily available. There are no restrictions on the right to access contraceptives. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Public Health.

According to the ministry, use of contraceptives increased from 8.5 percent in 2006 to 13 percent in 2008. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV. Since 2007, the government has guaranteed free health care for children up to five years of age; this contributed to increased women's access to health centers for general and essential obstetric and postpartum care, including prevention of mother-to-child transmission of HIV. However, due to a shortage of skilled health professionals and limited resources, some women used traditional midwives (matrones) during childbirth and were referred to hospitals only when the mother or child suffered more serious health complications.

The constitution provides for equal rights regardless of sex; however, women do not have the same rights as men under family law in customary courts. Legal rights as head of household apply only to men; a divorced or widowed woman, even with children, was not considered to be a head of household.

Traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the formal sector work force, only 26 percent of civil service workers and 22 percent of professionals were women in 2006. In the absence of a formal will stating otherwise, women received one-third of a deceased parent's property. In the east there were reports that some husbands cloistered wives and prevented them from leaving their homes unless escorted by a male relative and usually only after dark.

In the civil service and the formal sector there was no indication that women experienced discrimination in access to employment or pay for similar work.

The country has adopted several laws and regulations for the development of women. The law mandates that women fill at least 25 percent of senior government positions and at least 10 percent of elected seats in order to increase their presence in decision-making positions. The government also had programs to provide microcredit, access to clean water, and access to health services for women.

#### Children

Citizenship is derived from one's parents. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to a lack of awareness, remoteness of government services, or inadequate resources. The government with the support of UNICEF worked to address this problem. The government's failure to register births did not result in denial of public services.

In principle, elementary education, which lasts six years, was compulsory, free, and universal from the age of six; however, in practice only a fraction of children attended school. The country's minimum age requirement for labor is consistent with the national requirement that children complete six years of education. The government estimated that the gross national primary school enrollment rate was 52 percent in 2006, and the net primary school enrollment rate was 41 percent; boys constituted 60 percent of those who finished primary school. UNICEF in 2007 estimated that only one-third of primary and only 6 percent of secondary-school-age girls were enrolled, and even fewer attended regularly. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years. This resulted in estimated literacy rates of 15 percent for girls and 43 percent for boys, according to a 2006 UN Development Program report. Literacy rates, particularly for girls, were even lower in rural areas. The conflict in the north led thousands of children to avoid school and caused schools in the north to shut down (see section 1.g.).

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

FGM is against the law and punishable by six months to three years in prison. If an FGM victim dies, the practitioner can be sentenced to 10-20 years' imprisonment. Certain ethnic groups practiced FGM, predominantly the Fulani and Djerma in the western region. According to UNICEF, the FGM rate decreased from 5 percent in 1998 to 2.2 percent in 2006. However, an October 2008 UN IRIN report stated that circumcisers traveled from Burkina Faso to Niger to carry out FGM on nomad Gourmantche girls as part of a rising trend of crossborder FGM. FGM was practiced on young girls, and clitoridectomy was the most common form. The government actively combated FGM, continuing its close collaboration with local NGOs, community leaders, UNICEF, and other donors to distribute educational materials at health centers and participate in educational events. On April 7, as a result of an 18-month sensitization and training session provided by the Inter-Ministerial Committee for the Fight against FGM and a local NGO, 10 villages in the Makalondi local council area near the border with Burkina Faso publicly abandoned the practice of FGM. Such training was extended to 10 other villages in May.

Child marriage was a problem, especially in rural areas. The law allows a girl deemed to be "sufficiently mature" to marry as young as 15 years old. Some families entered into marriage agreements under which girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husbands' families under the tutelage of their mothers-in-law. The Ministry of Women's Promotion and Child Protection cooperated with women's associations to sensitize rural communities and their traditional chiefs and religious leaders to the problem of underage marriage.

Child prostitution was a problem. The Penal Code criminalizes the procurement of a minor for the purpose of prostitution. There was no precise age of consent; however, the law prohibits "indecent" acts toward minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by three to five years in prison. This provision also applies to child pornography. There were reports that some child prostitution existed along the main east-west highway, particularly between the cities of Birni n'Konni and Zinder along the Niger-Nigeria border. There was also evidence of young girls working mainly as domestic servants and occasionally as prostitutes, sometimes with the complicity of their families.

The constitution and law require the government to promote children's welfare; however, minimal financial resources were allotted for this purpose. The government continued its multifaceted public education campaign on children's rights. This included forced labor issues, efforts to improve girls' education, the



dangers of child marriage, improvements in birth registration, and efforts to withdraw children from the labor force and reenroll them in schools and vocational training programs.

Infanticide occurred, and at least 50 percent of the female prison population was charged with the crime. Many displaced children, mostly boys from rural areas and were indentured to Islamic schools, begged on the streets of larger cities. Hundreds of children were displaced in conjunction with the conflict in the north (see section 1.g.). Displaced children had access to government services (see section 2.d., IDPs).

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a law against slavery and coerced labor; punishments ranged from 10 to 30 years' imprisonment. Child prostitution is not criminalized specifically; however, the law prohibits indecent acts toward minors. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by three to five years in prison.

A 2005 NGO survey found that 5.8 percent of households interviewed claimed that at least one member of their family had been a trafficking victim.

A traditional form of caste-based servitude was still practiced by the Tuareg, Djerma, and Arab ethnic minorities.

The country was a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country was a source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation.

The country was a destination for a small number of persons, including young boys, trafficked into the country for labor exploitation. Women and girls were trafficked into and within the country for domestic service and prostitution. Child prostitution was especially prevalent along the main east-west highway, particularly between the cities of Birni n'Konni and Zinder.

There was internal trafficking of boys. Some rural parents sent their sons to learn the Koran in the cities, where the boys worked for their teachers (marabouts) as beggars or provided manual labor. Traffickers also transported boys to Mali and Nigeria for this purpose. Traffickers transported children internally for work in mines.

Generally, small operators trafficked persons with false promises of well-paid employment in the country. Victims usually had to perform poorly paid domestic work or prostitution upon arrival and had to pay off a "debt" to the trafficker. Traffickers had victims sign agreements before departing their country of origin and took the victims' travel documents. Traffickers used similar methods to transport victims from Niger to other countries. Traffickers within the country forced or falsely enticed some girls into prostitution, sometimes with their families' complicity.

The government prosecuted traffickers. During the year, law enforcement authorities arrested several traffickers in connection with the trafficking of at least 47 children. Of these, officials released two without charge but charged the others with the abduction of minors.

During the year local authorities assisted UNICEF and a local NGO partner to identify and rehabilitate child victims of trafficking in the Agadez and Niamey regions. From May through August, police and prosecutors rescued 23 children (15 in Agadez and eight in Niamey) but made no arrests because the children were sent by their families "to look for work" and were at risk of being trafficked. Police handed the children over to a local NGO for rehabilitation and return to their families.

On January 15, EPAD, a local NGO, acting in conjunction with local law enforcement authorities, apprehended two Malian marabouts suspected of trafficking 22 Malian children to live and work in remote villages in the vicinity of Ayorou, Tillabery Region. EPAD reported that migration of adult workers to the new work site of the Kandadji Dam project had left the area with a labor force shortage, and the marabouts were hiring out the children to work in rice fields. The two marabouts were in custody in Tillabery at year's end. EPAD temporarily hosted the children in its welcome center in Makalondi before returning them to their families.

On February 16, Nigerien police referred to a local NGO a young Nigerien woman suspected of being a victim of trafficking. She was 14 years old when a Togolese lured her to travel with him to Togo, where he obtained false identity documents for her, married her, and had two children with her. According to the woman's parents, Togolese law enforcement authorities kept custody of the children, but did not indict the suspected trafficker. The woman and her parents sought assistance in taking legal action to claim custody of the two children. The case was pending at year's end.

On August 4, Nigerien and Nigerian police arrested a Nigerien on charges of trafficking his 15-year-old nephew in Ogbomosho, Nigeria. The child had not been found, and the suspected trafficker remained in custody in Niamey prison at year's end.

The Malian marabout suspected of trafficking 11 children in 2008 remained in prison pending his trial. There were no further developments in the case of three traffickers in custody since 2007 on charges of child trafficking in Agadez.

The ministries of justice, interior, and the promotion of women and protection of children shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons existed on paper but had no budget.

The government provided some services directly to some trafficking victims, including basic health care and assistance in returning to their home villages. The government also supported the efforts of NGOs and international organizations in providing food, temporary shelter, and primary health care to victims of trafficking, and sponsored public outreach sessions on trafficking and child abuse.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other state services, and the government generally enforced these provisions. The law mandates that the state provide for such persons, but there were no specific regulations mandating accessibility to buildings, transportation, and education for those with special needs. The government provides limited health care to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population and Social Welfare is responsible for protecting the rights of persons with disabilities.

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

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

#### Other Societal Violence or Discrimination

Persons with HIV/AIDS experienced social discrimination. There were strong government efforts to discourage such discrimination. The government continued its antidiscrimination campaign in conjunction with several other organizations working on HIV/AIDS issues.

For example, on February 26, the first lady, with support from the government's National Coordination for the Fight against AIDS, local NGOs, and the Joint UN Program on HIV/AIDS (UNAIDS), launched an advocacy campaign for the fight against HIV/AIDS. NGOs led public advocacy sessions and discussions in order to eliminate the stigma against persons living with HIV/AIDS. Between April 20 and 26, the Nigerien Social Marketing Association, a local NGO, led a nationwide campaign on "demystifying AIDS and combating stigma" featuring public testimony by persons living with HIV/AIDS, town hall meetings in various regions, and radio shows which continued at year's end.

#### Section 7 Worker Rights

##### a. The Right of Association

The constitution and law allow all workers to form and join trade unions without previous authorization or excessive requirements, and workers exercised this right; however, in 2006 more than 85 percent of the workforce worked in the nonunionized subsistence agricultural and small trading sectors.

The constitution and the law provide for the right to strike, except for the police and other security forces, and workers exercised this right. Requirements for conducting a legal strike are not lengthy or cumbersome; workers must give employers at least three days' advance notice. However, on several occasions during the year the government filed lawsuits before the Tribunal of Niamey, which declared some strikes proposed by unions to be illegal on the grounds that they involved political rather than labor issues.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and unions exercised their right to bargain collectively for wages above the legal minimum and for more favorable working conditions.

Collective bargaining also existed in the public sector. Antiunion discrimination and employer interference in union activities occurred occasionally. There were no further developments in the 2006 case of the dismissal of 106 Liptako Mining Company union members for striking.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except for legally convicted prisoners, and prohibits slavery; however, it does not specifically prohibit forced or compulsory labor by children, and such practices occurred. In general, the government did not adequately enforce the antislavery laws. A traditional form of caste-based servitude was still practiced by the Tuareg, Djerma, and Arab ethnic minorities, particularly in remote northern and western regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the traditional social structure. Estimates regarding the number of persons who work under such conditions vary widely, and include a 2004 estimate of 8,800 and a 2003 estimate of 43,000. Under this system, persons are forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children become the property of their masters and can be passed from one slave owner to another as gifts or as part of a dowry. Abusers force girls to start work as domestic servants at a very young age. Girls may be sexually abused by men in the household or forced to marry at a young age.

The government publicly banned slavery in 2003, and during the year slaves continued to be liberated and given certificates to show that they were free. Individuals had the legal right to change their situations, and it was illegal for their masters to retain them; however, in practice, most victims of slavery did not act on their rights. Fear and physical or social coercion as well as a lack of viable economic alternatives for freed slaves were factors in maintaining the slave/master relationship.

On November 24, the Tribunal of N'Guigmi, Diffa, sentenced Moussa Adam to five years in prison, 10 million CFA (approximately \$22,000) in damages to the victim, a CFA 500,000 (\$1,100) fine to the government, and CFA 500,000 (\$1,100) to the NGO Timidria as compensation for moral prejudice for the enslavement of Ibrahim Ayitawe. The defendant was arrested and put in custody in August, following Timidria's complaint before the tribunal based on reports that Moussa Adam, a Mohamid Arab, held Ibrahim Ayitawe, a Hausa from Maradi Region, as a slave in his village of N'Gourti. At year's end, the defendant had neither appealed the judgment nor paid the fines ordered by the court.

In compliance with the October 2008 Economic Community of West African States' Court of Justice ruling in the case Timidria and Hadidjatou Mani Koraou vs. the Government of Niger, on March 13, the defendant paid 10 million CFA (approximately \$22,000) in damages to the victim.

On July 21, the tribunal of Birni n'Konni convicted and sentenced Souleymane Naroua to a two-year suspended prison term and ordered him to pay one million CFA (approximately \$2,200) in damages to Hadizatou Mani and a fine of CFA 500,000 (\$1,100) to the government. On July 25, Naroua complained that the sentence was excessive and filed an appeal before the Court of Appeals of Niamey. The same day, domestic human rights NGOs counterappealed before the same court, claiming that the sentence against Naroua was not sufficiently stringent. No date had been set for hearings.

In December 2008 the Court of Appeals of Niamey held hearings on the 2006 slavery case of Timidria and Assibit Wanagoda vs. Tafane and delivered its verdict on February 9. The court found no grounds for prosecution and dismissed the case. Plaintiffs said they would file an appeal before the Supreme Court but had not done so by year's end.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14, except as authorized by decree; however, child labor was a problem, and the government did not effectively enforce the law. A 1967 labor decree also regulates child labor. Children under the age of 12 are prohibited from working. Twelve- and 13-year-olds may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization, as long as such work does not impede their schooling. Light work is defined as including some domestic work, fruit picking and sorting, and other light nonindustrial labor. Those 14 to 18 years of age may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morality. The law requires employers to ensure minimum sanitary working conditions for children.

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

Children worked in the agricultural, commercial, handicraft, and domestic service sectors. The majority of rural children regularly worked with their families from an early age helping in the fields, pounding grain,

tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers used them for work as beggars and for manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona (a mineral used as a source of sodium compounds), salt, and gypsum mines. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse. Young boys from neighboring countries were trafficked into the country to work in mines, on farms, as mechanics, or as welders.

Child trafficking, prostitution, forced labor, and traditional caste-based servitude and slavery occurred. Inspectors of the Ministry of Labor are responsible for enforcing child labor laws; however, resource constraints limited their ability to do so, and there were no child labor inspections during the year.

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

The government also worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Basic Education conducted training sessions to help educators meet the special needs of child laborers. The government cooperated with a foreign government-funded project that was implemented by ILO's International Program for the Elimination of Child Labor (ILO/IPEC) to eliminate child labor in the mining sector.

The government supported a 2006-10 foreign donor program with funds of 1.5 billion CFA (approximately \$3.3 million) for the prevention and elimination of child labor in mining in West Africa, implemented by ILO/IPEC. The project was launched in 2006 and targeted approximately 3,000 children.

On June 10-12, on the occasion of the World Day Against Child Labor, ILO/IPEC and the government organized public events and a conference to raise awareness of the issues the country faces in combating the worst forms of child labor and child trafficking.

On June 25, foreign diplomats visited three artisanal gold mines in Tillabery Region and noted that the government and several NGOs had made noticeable investments in both infrastructure and social programs to combat the problems of child labor and trafficking.

In October the Ministry of Labor launched the review process for the draft National Action Plan against Child Labor. The review will be carried out in all regions, and proposed amendments will be included in the final document expected to be adopted during the first quarter of 2010.

#### e. Acceptable Conditions of Work

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. As of 2006 the lowest minimum wage was 28,000 CFA (approximately \$62) per month, with an additional 1,000 CFA (\$2) added per month per child. The Ministry of Labor effectively enforced minimum wages only in the regulated formal sector.

The formal sector legal workweek was 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. Premium pay must be paid for overtime, although the rate is not set by law; employees of each enterprise or government agency negotiate with their employer to set the rate. These formal sector standards were effectively enforced.

The labor code establishes occupational safety and health standards. The Ministry of Labor is charged with enforcing these standards, although due to staff shortages inspectors focused on safety violations only in the most dangerous industries: mining, building, and manufacturing. The government effectively enforced the standards within those three industries, except that gold mining was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases did not receive information about the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs. There are no exceptions from such protections for migrant or foreign workers.