

# **NIGER 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Niger is a multiparty republic. In 2011 voters elected opposition leader Issoufou Mahamadou president in a poll characterized by international observers as generally free and fair. Observers also considered the 2011 National Assembly elections free and fair. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

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

Other human rights problems included attacks by armed groups that resulted in deaths. Arbitrary arrest and detention, prolonged pretrial detention, and executive interference in the judiciary continued. Infrequent restrictions on freedoms of press, association, assembly, and movement occurred. Official corruption was pervasive. Female genital mutilation/cutting (FGM/C), trafficking in persons, and child labor continued.

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

Terrorists bombed state economic interests, killing several civilians.

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

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

There were some reports the government or its agents committed arbitrary or unlawful killings.

On June 2, in Niamey, elements of the antiterrorist brigade shot at a vehicle that had reportedly disregarded an order to stop, killing one of its occupants and injuring another. The occupants were found to be young men without any criminal intentions. An investigation continued at year's end.

Armed bandits attacked herder camps in Tillabery Region, resulting in deaths, injuries, and loss of livestock and other property. Most of these bandits entered the country from Mali on motorcycles, and some of them were reportedly members of the Malian Tuareg rebel group, the National Movement for the Liberation of Azawad (MNLA), or the al-Qaida-affiliated Movement for Unity and Jihad in West Africa (MUJAO). According to nongovernmental organization (NGO) sources and press reports, between March 13 and September 26, armed Malian Tuaregs attacked Peuhl (Fulani) villages and camps in northern Tillabery, killing three persons and injuring several while stealing more than 140 head of livestock, 2,950,000 CFA francs (\$6,082) in cash, and other valuables. The Peuhl killed three Tuaregs. Authorities did not conduct an investigation or prosecution, and northern Tillabery herder communities criticized government inaction.

On May 23, armed individuals from countries throughout the region conducted twin suicide attacks in Agadez and Arlit that killed 25 persons along with all 10 attackers. The suicide bombings, unusual in the country, targeted a military academy in Agadez and the French-owned Areva uranium mine (Somair) in Arlit. MUJAO and Mokhtar Belmokhtar's Signers in Blood Battalion took credit for the attacks.

Between April and July at least nine attacks by armed individuals in the Agadez Region resulted in four deaths and the theft of millions of CFA francs. For example, on June 26, unidentified armed individuals attacked a passenger bus between Agadez and Arlit, killing three passengers and stealing cash and other valuables.

There were no developments in the investigation of the 2012 killing of eight persons in the Dosso Region.

## **b. Disappearance**

There were no reports of politically motivated disappearances. On October 29, al-Qaida in the Islamic Maghreb released the four French hostages it kidnapped in Arlit in 2010.

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

The constitution and law prohibit such practices; however, there were reports of cases when security forces beat and abused civilians.

On September 5, according to human rights groups and media reports, soldiers at a military outpost near Mali beat and stripped naked a Peuhl community leader. They warned him never again to set foot in his village because the soldiers suspected that he was a member of MUJAO. The Northern Tillabery Herders' Council helped the victim report the incident to district authorities in Banibangou. At year's end his complaint had not reached the district court of Ouallam.

On July 22, authorities in Niamey arrested lawyer Abdouramane Lirwana on charges of fraud and embezzlement of public funds. While at Zinder prison, guards forcefully shaved his head, and humiliated him with slurs. During the first days of Lirwana's incarceration, prison officials denied him access to visitors, including his lawyer.

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

Conditions in the country's 38 prisons were harsh and life threatening. Prisoners were subjected to humiliating treatment from guards, gross overcrowding, and inadequate medical care, sanitation, and ventilation.

Physical Conditions: Nutrition, sanitation, and health conditions were poor, although prisoners had access to potable water and were allowed to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Ventilation and lighting were inadequate.

The country's prisons held 7,116 inmates. There were 3,271 convicts, and the remaining 3,845 were awaiting trial. The Niamey Civil Prison, built for 350 persons, held 1,089 inmates. Authorities held female inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. Authorities held juveniles separately in special rehabilitation centers or in judicially supervised homes. They held pretrial detainees with convicted prisoners.

Prison deaths occurred during the year from HIV/AIDS, tuberculosis, and malaria, but no statistics were available.

Administration: Recordkeeping on prisoners was inadequate, but some security and management improvements were undertaken during the year. While there were no official penal or judicial alternatives to incarceration for nonviolent offenders, there were reports that prisoners bribed officials to serve out their

sentences in the national hospital in Niamey. The governmental National Human Rights Commission (CNDH) and independent human rights groups made recommendations to the government throughout the year on alternatives to incarceration for nonviolent offenders. As provided by law, the government implemented “general interest work” programs in juvenile courts, which include vocational training and community service. Judicial authorities and the CNDH investigated and monitored prison and detention center conditions and followed up on credible allegations of inhumane conditions. Public and private media covered the CNDH visits. The Office of the National Mediator also investigated complaints about prison conditions. Prisons had no ombudsmen, but authorities generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship. Prisoners and detainees had reasonable access to visitors. All penitentiaries had places of worship, and authorities permitted prisoners to practice religion.

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), CNDH, human rights groups, and media representatives, access to most prisons and detention centers, including police station jails, and these groups conducted visits during the year. The ICRC visits were conducted in accordance with its standard modalities.

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

The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge for more than 48 hours; however, police often violated these provisions.

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

The national police, under the Interior Ministry, are responsible for urban law enforcement. The gendarmerie, also under the Defense Ministry, has primary responsibility for rural security. The National Guard, also under the Interior Ministry, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Defense Ministry, are responsible for external security and, in some parts of the country, for internal security. Civilian authorities maintained effective control over security forces, although individual soldiers acted independently of the command structure at times during the year. For example, on May 4, military rank-and-file personnel aboard several pick-up trucks beat civilians in Niamey’s Boukoki II neighborhood following a fight between one of their colleagues and a resident of Boukoki II.

There were several injuries among the civilians. There were no reports of punitive measures taken against the suspected military personnel. Impunity for armed forces' members was a problem during the year.

Police were largely ineffective due to a lack of basic supplies such as vehicle fuel, radios, and other investigatory and law enforcement equipment. Patrols were sporadic, and the emergency response time in Niamey could be 45 minutes or more. Police training was minimal, and only specialized police units had basic weapon-handling skills. National guard troops acted as prison guards but had no prison-specific training. Citizens complained that security forces did not adequately police border regions and remote rural areas. Corruption remained a problem (see section 4).

The gendarmerie is responsible for investigation of police abuses; however, police impunity was a widespread problem. The gendarmerie investigated some allegations of police abuse. For example, it was involved in investigating the June 2 incident in which police shot at a vehicle and killed one of its occupants.

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

The constitution and law require arrest warrants, and authorities generally respected this requirement. The law allows individuals to be detained for 48 hours without charge, and an additional 48 hours if police need more time to gather evidence, although authorities sometimes held detainees involved with sensitive cases longer than legally permitted. Security forces usually informed detainees promptly of the charges against them. There is a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours, and law enforcement officials generally observed this provision. Indigents in civil and criminal cases the government usually provided a lawyer. Widespread ignorance of the law and lack of funds prevented many defendants from fully exercising their rights to bail and an attorney.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. For example, on June 15, security forces conducted a warrantless sweep near Zinder. Police detained Yvonne Ndege, a British reporter based in Abuja, Nigeria, and her coworkers Romuald Luyindula and Mohamed Abubakar for allegedly failing to produce a press permit from the Ministry of Communication. Their employer, al-Jazeera, did not have a blanket press

authorization in Niger, thereby making their reporting illegal. On June 17, authorities repatriated all three reporters to Nigeria.

Pretrial Detention: Lengthy pretrial detention was a problem. Although the law provides for maximum pretrial confinement of 30 months for serious crimes and 12 months for less serious offenses (with special extensions in certain sensitive cases), some detainees waited as long as five years to be tried. During the year 58 percent of the prisoners in Niamey's Civil Prison and 54 percent of prisoners nationwide were awaiting trial. Judicial inefficiency, inadequate resources, staff shortages, corruption, and executive branch interference lengthened pretrial detention periods. For example, a detainee in Niamey's prison waited more than three months to be charged for stealing two pigeons. By contrast, on May 6, authorities arrested parliamentarian Foukori Ibrahim on charges of embezzling the equivalent of \$10,766,443 in public funds and granted him provisional release on June 21.

#### **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. During the year some judges were reassigned to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. Corruption and inefficiency remained problems. There were reports that family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial, had complete freedom of movement, and could leave the country.

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

Customary courts, based largely on Islamic law, try only civil law cases. A legal practitioner with basic legal training, advised by an assessor with knowledge of the traditions, heads these courts. Formal law does not regulate the judicial actions of chiefs and customary courts, and defendants can appeal a verdict to the formal court system. Women do not have equal legal status with men in customary courts and traditional mediation, and do not enjoy the same access to legal redress.

## **Trial Procedures**

The law affirms the presumption of innocence. Defendants have the right to be informed promptly and in detail of the charges against them. Authorities provide free interpretation for defendants who do not speak the official language. Trials are public and juries are used. Defendants have the right to counsel, which is at public expense for minors and indigent defendants charged with crimes carrying a sentence of at least 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours of detention. Defendants also have the right to be present at trial, confront witnesses, and present witnesses and evidence on their own behalf. The government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants have adequate time and facilities to prepare a defense and are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights. The constitution and the law extend these rights to all; however, due to the limited number of jurisdictions, staff shortages, and lack of resources, judicial delays left a large number of detainees awaiting trial.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

Sa'adi Qadhafi, the adult son of former Libyan leader Muammar Qadhafi, remained in government custody. When he sought asylum in Niger seeking in September 2011, the government placed him under house arrest in Niamey at the request of the international community. Despite various purported attempts to move him to other countries, Qadhafi remained under house arrest at year's end.

## **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations. They can also appeal decisions to the Court of Justice of the Economic Community of West African States.

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

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

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

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

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

Violence and Harassment: In February police beat journalists covering protests by a teachers' trade union in Zinder. Authorities took no punitive action against police.

Libel Laws/National Security: On May 27, police questioned Ali Cisse Ibrahim, director of the private newspaper *L'Actualite*, following a complaint filed by Foreign Minister Bazoum's lawyer regarding an article in the newspaper's May 15 issue, entitled "Case of Illicit Enrichment by the Daughter of a Seventh Republic Minister of State." On May 28, Cisse appeared before a judge. The Tribunal of Niamey tried the case on September 10, found the journalist guilty of libel, and ordered him to pay a fine of five million CFA francs (\$10,309) to the plaintiff, who requested the court to donate this amount to the National Hospital.

On June 24, the Court of Appeals of Niamey reversed the defamation and insult verdict against Diaouga Hamani, director of the private newspaper *Le Capital*, in a case lodged by director general of the national oil distribution company (SONIDEP) Ousmane Idi Ango. The lower court had convicted Hamani of libel and insult via the press and fined him 500,000 CFA francs (\$1,030). The plaintiff appealed the verdict. No date was set for hearings.

### **Actions to Expand Press Freedom**

Pursuant to the 2010 law protecting journalists from prosecution and to President Issoufou's endorsement of the Declaration of Table Mountain, the country continued to improve respect for press freedom during the year. For example, the government distributed press support funds to all eligible private media and participated in the first-ever national Press Freedom Night, an event aimed at promoting press freedom and ethics. The official media regulatory body, the

National Observatory on Communication, and the Independent Nigerien Media Observatory for Ethics, a voluntary media watchdog organization, helped to maintain an improved media environment.

The government invited private media to accompany the president and report on his official foreign trips.

### **Internet Freedom**

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. On June 4, the minister of planning and community development, as acting prime minister, chaired the opening of the first national forum on internet governance, in line with an initiative by the UN Economic Commission for Africa. The forum aimed at fostering visibility, reliability, security, and development of the internet. During the year the government adopted a national strategy for the development of information and communication technologies. Although individuals and groups could engage in the peaceful expression of views via the internet, few residents had access to it. Sonitel, the government-owned telecommunications company, blocked access to certain websites, such as those of terrorist organization Boko Haram, under orders from the High Commission for New Technology and Communication. According to the International Telecommunication Union, fewer than 2 percent of the population used the internet in 2012.

### **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**

Although the constitution and law provide for freedom of assembly, 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 15, police used tear gas and batons to disperse a teachers' protest. Nine persons were injured, including four journalists who were beaten. Police

briefly detained a teachers' union leader. Labor unions, media organizations, and human rights groups denounced police violence.

In February schoolboy Zaiyanou Hassane was killed during a protest against the government's treatment of motorcycle taxis in Gaya, approximately 120 miles southeast of Niamey. The boy appeared to have been an innocent bystander hit by a stray bullet fired by a policeman. The killing was under investigation at year's end. The incident spurred protests by student groups in Niamey which occasionally became violent (i.e., rock throwing and tire burning). Students typically protest during February in remembrance of the killing of student activists in the 1990s.

Throughout August and September residents of the Goudel neighborhood in Niamey protested the installation of security barriers that blocked their most direct route to and from downtown and led to increases in the price of public transportation. Authorities arrested an unknown number of protesters and a local parliamentarian accused of inciting them. Authorities released all the arrested protesters by year's end.

### **Freedom of Association**

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

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

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

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern. The government facilitated voting by Malian refugees in the Malian presidential election. The UNHCR managed approximately 50,000 Malian

refugees at eight sites, as well as 8,332 Nigerian refugees in the region of Diffa, where the refugees were integrated into the local community.

In-country Movement: Security forces at checkpoints throughout the country monitored the movement of persons and goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices.

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

Food shortages and floods during the year resulted in the displacement of many persons. Beginning in August, flooding (especially of the Niger River in the regions of Dosso, Tillabery, and Niamey; and in the region of Agadez) affected approximately 165,000 persons. The flooding displaced many from their homes and accounted for 32 deaths. The government worked with foreign donors and NGOs to supply these IDPs with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs.

International humanitarian organizations reported that intercommunal conflict between farmers and herders, and between rural communities and bandits, especially in northern Tillabery Region, resulted in displacement. The pressures of desertification and population growth on subsistence farming and livestock herding, the main activities in the region, spurred competition and periodic conflict among farmers and herders for limited natural resources. Incursions by armed rebels from Mali and sporadic acts of banditry on main roads also caused residents to flee.

### **Protection of Refugees**

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

As of October an estimated 50,000 Malians were registered in Niger; they were granted prima facie refugee status. Refugees lived primarily in three camps (Tabareybarey, Mangaize, and Abala) and two official “refugee zones” (Tazalite and Intekan), where Malian refugees could settle freely with their livestock and thus maintain their traditional pastoral way of life. The government and humanitarian organizations provided assistance to refugees. In addition

approximately 10,000 refugees lived in spontaneous settlements along the border with Mali with limited access to humanitarian assistance.

Conflict between Boko Haram and the Nigerian military in northeastern Nigeria triggered a flow of thousands of persons into Niger, including an estimated 8,300 Nigerian refugees and more than 29,000 returning Nigerien migrants. Local communities hosted the refugees, but, while the government provided services, no refugee camps were established. The UNHCR provided assistance to refugees and other populations of concern in Diffa.

Temporary Protection: During the year the government provided temporary protection to 184 individuals who may not qualify as refugees under the 1951 Refugee Convention or the 1967 protocol.

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

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

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

Recent Elections: In 2011 citizens elected Issoufou Mahamadou to a five-year presidential term with 58 percent of the vote in an election that international observers described as generally free and fair. A coalition composed primarily of parties that had been in opposition under the Tandja regime – including the Nigerien Party for Democracy and Socialism (PNDS), the Movement for Democracy in Niger, the Social Democratic Rally, the Rally for Democracy and Progress, the Nigerien Alliance for Democracy and Progress, and the Union for Democracy and the Republic – backed Issoufou and won 83 of 113 National Assembly seats in legislative elections also held in 2011. The pro-Tandja National Movement for a Development Society (MNSD) won 26 seats, and the Social Democratic Convention and the Union of Independent Nigeriens obtained three seats and one seat, respectively. Issoufou appointed PNDS party member Brigi Rafini as prime minister.

Participation of Women and Minorities: The law mandates that women fill at least a quarter of senior government positions and at least a tenth of elected seats. After a cabinet reshuffle in August, there were seven female ministers in the 37-member

cabinet. At year's end seven of the 30 chiefs of overseas diplomatic missions were women. Women held 15 of 113 National Assembly seats. All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations.

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

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

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

The High Authority to Combat Corruption and Related Crimes (HALCIA) forwarded several corruption cases to the Ministry of Justice.

Overseen by the President's Office, the HALCIA is charged with monitoring the government's anticorruption programs. It included government, private sector, and civil society representatives. The HALCIA investigated and uncovered several corruption and fraud cases involving civil servants, judges, and security forces, notably customs officers. The HALCIA referred most of the cases to state prosecutors for action. Individuals were charged with crimes and occasionally jailed for short periods of time, although they were generally granted provisional release, and no sentences were handed out for corruption. For example, on June 21, the judge granted provisional release to Foukori Ibrahim, a member of parliament and former general manager of the national electric company, Nigelec. Ibrahim was jailed in May on charges of embezzling public funds in the amount of \$9,558,443 and Nigerian nairas 192,405,000 (\$1,208,000) (see section 1.d.). In March authorities arrested Alhassane Salou Alpha, prefect of Tera in the Tillabery Region, on charges of misappropriation of foreign food aid. The court granted him provisional release after three months in jail, and the government reinstated him in his position.

The State Inspectorate, the HALCIA, and the courts are responsible for combating government corruption. The State Audit Court regulates public finances and provides for transparency in the management of public funds. The court oversees the management of all government agencies and development projects funded by external resources, as well as the administration of the budget. It also oversees the accounts of political parties and government officials' statements of personal assets submitted to the Constitutional Court. If requested by the National Assembly, the State Audit Court may investigate the implementation of public revenues and expenses. The court also has authority to punish any fraud in the management of public resources.

On April 9, the National Assembly amended Law 92-024 of 1992 outlawing illicit enrichment. The amendment states that the prosecutor shall establish evidence of illicit enrichment by "legal means" as opposed to "all means" as stated in the previous text.

Whistleblower Protection: The laws on freedom of the press and anticorruption and the 1992 law on illicit enrichment provide for the protection of witnesses, including whistleblowers.

Financial Disclosure: The constitution requires the president of the republic, presidents of other government institutions, and cabinet members to submit written statements of their personal property and other assets to the Constitutional Court upon assuming office, and they complied. The requirement does not apply to spouses and children. The disclosure includes both financial and material assets. These statements are to be updated annually and at the end of an individual's tenure. Initial statements and updates are published in the National Register and the press. Copies of the statements are forwarded to the government's fiscal services. Filers must explain any discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies. The designated officials are not allowed to purchase or rent, by themselves or through other parties, any government-owned property or to bid for government contracts. The HALCIA and the State Inspectorate have investigative roles with the State Inspectorate being more administrative.

Public Access to Information: The law provides for access to public information and administrative documents, and this occurred. Requestors can also obtain many documents from individual ministries and the National Archives. The law provides a list of "communicable" and "noncommunicable" documents and

establishes procedures for accessing them and paying related costs. If access to an official document is denied, officials are required to notify the requestor in writing and provide the legal grounds for denial. The law provides an appeal mechanism for review through the national mediator, and legal complaints are referred to the Administrative Court. It also provides for sanctions against agencies, individual civil servants, and users for noncompliance.

During its March-June session the National Assembly adopted a bill which complied with the West African Economic and Monetary Union's guidelines on transparency in public finance management.

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

UN and Other International Bodies: 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. Nevertheless, insecurity in some northern areas limited the ability of human rights groups to investigate human rights violations there.

Government Human Rights Bodies: The CNDH is charged with investigating and monitoring prison and detention center conditions, but it lacked resources to implement an action plan. The Mediator of the Republic served as an official government ombudsman, including on some human rights issues. The CNDH and the mediator operated without government interference, although they often lacked the resources necessary to conduct their work effectively.

The government gave a mandate and partially staffed the National Commission for the Fight Against Trafficking in Persons but did not fully fund it. Its president was moved to another position in the government during the year, effectively suspending all the commission's activities due to its small size.

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

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

The constitution enacted in 2010 provides for new and strengthened democratic institutions. It also provides for the elimination of all forms of discrimination against women and introduces basic standards of respect for economic and social rights, such as the right to safe and adequate food and drinking water. There are no laws on sexual orientation and gender identity.

## Women

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

Domestic violence against women was widespread, although reliable statistics were not available regarding numbers of incidents, prosecutions, or convictions. Husbands commonly beat their wives.

While the law does not explicitly prohibit domestic violence, 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 francs (\$20) fine to 30 years' imprisonment. The government tried with limited success to enforce these laws, and courts prosecuted cases of domestic violence when they received complaints. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of redress offered by the legal system and fear of spousal or familial repudiation, further violence, or stigmatization. Through several events that received wide media coverage, the Ministry of Population, Women's Promotion, and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women and legal recourse available.

On May 13, Women's Day, the government renewed its commitment to combating violence against women. The prime minister stated that surveys in 2010 on gender-based violence showed that 43.2 percent of women nationwide had experienced physical violence and 28.3 percent had been sexually abused at some point in their life.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of from three to six months and fines of 10,000 to 100,000 CFA francs (\$20 to \$206). If the violator is in a position of authority over the victim, the prison sentence is three months to one year and the fine is increased to 20,000 to 200,000 CFA francs (\$40 to \$412). Sexual harassment was common. Courts enforced applicable laws in the small percentage of cases reported.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; however, information regarding reproductive rights was not readily available. There were no restrictions on the right of access to contraceptives. Health clinics and local health NGOs were permitted to disseminate information on family planning freely under the guidance of the Ministry of Public Health. On July 11, the minister of population, women's promotion, and child protection stated that only 6 percent of girls and women ages 15 to 19 and 12 percent of those ages 16-24 used a modern method of contraception in 2012.

Since 2007 the government has provided free health care for children up to five years of age, which contributed to increased access to health centers for women's general and essential obstetric and postpartum care, including prevention of mother-to-child transmission of HIV. Due to a shortage of skilled health professionals and limited resources, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. According to the UN Children's Fund (UNICEF), skilled personnel attended 18 percent of births. The maternal mortality ratio (the number of maternal deaths per 100,000 live births) was 590 in 2010, and the lifetime risk of maternal death was 1 in 23. Major factors influencing maternal mortality included lack of prenatal care, early childbirth, diseases during pregnancy, infections after birth, malnutrition, and accidents during childbirth.

Discrimination: Although the constitution provides for equal rights regardless of gender, women do not have the same rights as men under family law, which customary courts usually adjudicate. In customary law legal rights as head of household typically apply only to men. Customary law does not consider a divorced or widowed woman, even with children, to be a head of household. Traditional and religious beliefs resulted in discrimination in education, employment, owning or managing a business, credit, and property rights.

Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a woman's share is half the size of a man's share of a deceased parent's property. In the east there were reports that some husbands cloistered their wives and prevented them from leaving their homes unless escorted by a male relative, usually even then only after dark.

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

## **Children**

Birth Registration: Citizenship is derived from one's parents. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of awareness, and distance from government services. With the support of UNICEF, the government worked to address this problem, and several NGOs encouraged birth registration. The government's failure to register births did not result in denial of public services, although it complicated the process of qualifying as a candidate for public office. According to UNICEF, 32 percent of children less than five years old had their births registered in 2011, with significantly higher numbers in urban areas.

Education: Six years of elementary education are compulsory, tuition-free, and universal from the age of six, but only 63 percent of these children attended school during the 2007-08 school year. Students often had to buy their own books and supplies. According to the National Institute of Statistics, in 2012 the primary school completion rate for children in school was 71 percent for girls and 88 percent for boys. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years. During the year the government promulgated no laws to fulfill President Issoufou's pledge in 2011 to provide tuition-free education to children until the age of 16.

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

In June authorities in Tillabery referred to the Niamey Court of Appeals two cases of rape of young girls (ages nine and 13). The defendants were in prison at year's end pending trial. Local NGOs provided assistance to the girls, who continued their education in community schools.

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

Forced and Early Marriage: Child marriage was a problem, especially in rural areas. Prevalence was highest in the south, in the Diffa, Zinder, Maradi, and Tahoua regions. The law allows a girl deemed to be "sufficiently mature" to marry at 15. Some families entered into marriage agreements under which rural girls 12 or even younger were sent to their husband's families under the "supervision" of their mothers-in-law. The Ministry of Population, Women's Promotion, and Children's Protection cooperated with women's associations to sensitize traditional chiefs and religious leaders of rural communities to the problem of underage marriage. The UN Population Fund (UNFPA) was working at the community level with the Association of Traditional Chiefs to raise awareness of the problem, including the risk of maternal death and disability. According to UNICEF, 36 percent of women 20-24 years old were first married or in union before they were 15 years old, and 75 percent were married or in union before they were 18 years old. According to the UNFPA, the adolescent birth rate in 2011 was 199 births per 1,000 girls ages 15-19.

In Tillabery twin 13-year-old sisters were married to the same man in exchange for payment to the girls' father of 150,000 CFA francs (\$309).

Harmful Traditional Practices: FGM/C was practiced on young girls, with clitoridectomy the most common form. Danguoria, a form of FGM/C found only in Niger, was also common. It consists of cutting away the hymen of newborn girls by traditional barbers known as wanzam. FGM/C is against the law and punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner can be sentenced to 10 to 20 years' imprisonment. Certain ethnic groups practiced FGM/C, predominantly the Peuhl and Djerma in the west. According to UNICEF, the FGM/C rate nationwide decreased from 5 percent in

1998 to 2.2 percent in 2006. Among girls ages 15-19, the rate decreased to 1.9 percent. A 2008 UN Office for the Coordination of Humanitarian Affairs report stated that “excisers” traveled from Burkina Faso to Niger to carry out FGM/C on nomadic Gourmantche girls as part of a rising trend of cross-border FGM/C.

On May 15, the local councils of 20 villages in Makalondi, Tillabery Region (where FGM/C was perpetrated on 65 percent of young girls), declared in a public gathering in the presence of the president’s wife, government ministers, and representatives of international and local NGOs that they had abandoned the practice of excision. On November 8, in a widely attended event, the president’s wife chaired the premiere of a film on FGM/C by Fati Mariko, an artist who was a victim of FGM/C when she was seven years old. The film, which shows the atrocity of excision, is an advocacy tool for combating the practice. Mariko and her sponsor, Animas-Sutura, a local NGO, were undertaking a campaign in schools and villages in which victims spoke about their experiences and raised awareness of the harm caused by FGM/C. The government collaborated with local NGOs, community leaders, UNICEF, and other donors to distribute educational materials at health centers and to participate in educational events.

Sexual Exploitation of Children: Although the law criminalizes the procurement of a minor for the purpose of prostitution, child prostitution was a problem. The penal code provides for two to five years’ imprisonment and a fine of 50,000 to 500,000 CFA francs (\$103-\$1,030) for the prostitution of children. The law does not define a minimum age for consensual sex, although it prohibits “indecent” acts toward minors under age 18. It leaves to judges to determine what constituted an indecent act. Such activity and a related statute against “the incitement of minors to wrongdoing” are punishable by three to five years in prison. This provision also applies to child pornography. There were reports that girls in particular were trafficked for forced prostitution along the main East-West highway, particularly between the cities of Birni n’Konni and Zinder along the border with Nigeria. Families of victims were often complicit in child prostitution.

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

Displaced Children: Many displaced boys from rural areas were indentured to Islamic schools and begged on the streets of larger cities. Displaced children had access to government services.

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

### **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other government services. The government generally enforced these provisions. The law does not specifically mention air travel and other transportation, but authorities generally enforced similar antidiscriminatory provisions. The 2012 labor code calls for promoting employment opportunities for persons with disabilities. The law mandates that the government accommodate such individuals, but there were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The government provided limited health care to such persons. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population, Women's Promotion, and Children's Protection is responsible for protecting the rights of persons with disabilities, including those with sensory or intellectual disabilities.

In September persons with albinism created the National Association of Niger's Albinos to promote and protect their rights, to educate the population about their plight, to register all persons with albinism nationwide, and to help care for their members.

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

There was strong societal stigma against same-sex sexual activity, but no laws criminalizing consensual same-sex sexual activity in general. The law states, however, that an “unnatural act” with a person of the same sex who is under 21 is punishable by six months to three years in prison and a fine of between 10,000 and 100,000 CFA francs (\$20-\$206).

In January security forces arrested two individuals of the same sex who were found naked together in an isolated parked car. Authorities briefly jailed the two men and convicted them of public indecency. Ultimately authorities levied a small fine, and the men served no further jail time.

Gay men and lesbians experienced societal discrimination and social resentment. Reportedly, two gay rights associations conducted their activities secretly, in part because they were not officially registered. The social pressure to conform is great, and many lesbian, gay, bisexual and transgender (LGBT) individuals marry and have families, often while pursuing LGBT relationships in secret. There were no reports of violence against individuals based on their sexual orientation or gender identity. International organizations and NGOs continued their awareness-raising efforts in this regard, focusing on social stigma in general.

There were no documented cases of discrimination in employment, occupation, housing, statelessness, or access to education or health care based on sexual orientation. Stigma or intimidation was a likely cause in preventing incidents of abuse from being reported.

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

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

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The constitution and law provide for the right to strike, except for police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain “essential services,” the scope of which was broader than that originally envisioned by the ILO convention. The law defines strategic and/or essential services that require minimum service during a strike, including telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services.

The constitution and law recognize workers’ right to establish and join trade unions without previous authorization or excessive requirements. The labor code clearly defines the employers’ and employees’ contractual obligations, which allow the two parties to maintain better work relations. There were no prohibitions on strikes or limits to collective bargaining in nonessential services. Legal restrictions usually relate to requiring civil servants to report to work during a legally notified strike. Workers need to give employers at least three days’ advance notice of intent to strike. The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for damages (instead of reinstatement) for workers dismissed for union activity. These laws apply to all workers in the formal sector, and the government effectively enforced applicable laws in that sector. Enforcement in the informal sector, however, was limited because this sector was largely nonunionized.

Freedom of association and the right to collective bargaining were respected and workers exercised them. Worker organizations were generally independent of the government and political parties. Approximately 80 percent of the workforce was employed in the nonunionized subsistence agricultural and small trading sectors. During the year unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions.

On February 23, the oil workers union (SYNATRAP) denounced an infringement of members’ freedom of association by various subcontractors of the Chinese National Petroleum Company (CNPC). There were reports that, since the creation of SYNATRAP, the Chinese managers of those companies had undertaken to harass this union’s members. On the Agadem oil site where the subcontractors were based and within Zinder’s Soraz refinery run by the CNPC, union leaders and oil workers were subject to termination and threats of arbitrary reassignment.

SYNATRAP reminded the CNPC to comply with its legal labor obligations including the establishment of a salary grid, provision of health insurance coverage, salary increases of up to 300 percent, payment of equal desert-zone compensation for all Agadem workers, and overall undertaking to improve workers' living conditions.

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

While forced labor is prohibited, the law does not prohibit all forms of forced or compulsory labor. The term "forced or compulsory labor" is interpreted to mean "any labor or service required of a person under the threat of punishment and for which the individual has not given full consent." The law does not specifically prohibit forced or compulsory labor by children. Per article 333 of the labor code, violations of article 4 are subject to fines from 20,000 CFA francs to 200,000 CFA francs (\$41-\$412) and six days' to one month's imprisonment. The government did not effectively enforce these laws.

The labor code addresses issues, including the worst forms of child labor, discrimination, and forced labor, and imposes stringent penalties for violations. Detailed information on the number of victims removed from forced labor was not available. The national police rescued 240 children from situations of exploitation, including trafficking.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. Enforcement of the laws was sporadic, however. The Ministry of Labor and Civil Service's Forced Labor Commission is responsible for coordination with the new antitrafficking commission and the implementing agency.

Forced labor remained a problem. A study conducted by the government and the ILO concluded that in 2011 the prevalence of forced labor was 1.1 percent among the adult population (more than 59,000 persons), 48.8 per cent of whom were engaged in domestic work, and 23.6 per cent in agriculture or stockbreeding. A study in 2009 indicated that 2.8 percent of working children (an estimated 55,000) were engaged in forced child labor. These percentages were higher in the regions of Tillabery, Tahoua, and Maradi. The Tuareg, Djerma, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, still practiced a traditional form of caste-based servitude or bonded labor.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the social order. Estimates of numbers varied widely, from a 2004 estimate of 8,800 persons to a 2003 estimate of 43,000, the most recent dates for which estimates are available. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Children became the property of their masters and could be passed from one owner to another as gifts or part of a dowry. Girls were forced to start work as domestic servants at a very young age. Girls could be sexually abused by men in the household or forced to marry at a young age. Children's work included tending animals, gathering firewood, fetching water from wells or ponds, and performing other domestic tasks.

There were reports that some local religious teachers and loosely organized clandestine networks forced young boys to work as beggars and manual laborers and young girls to work as involuntary domestic servants, sometimes with the complicity of their families. Children were also forced to work in granite quarries and artisanal gold, salt, trona (a source of sodium carbonate compounds), and gypsum mines (see section 7.c.).

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

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

The law prohibits the use of child labor and the employment of children under the age of 14, except as authorized by decree. It prohibits children under the age of 12 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 forms of domestic work, fruit picking and sorting, and other light, nonindustrial labor. Children 14 to 17 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 morals. The law requires employers to provide minimum sanitary working conditions for children. The law does not apply to types of employment or work performed by children outside an enterprise, such as self-employment.

The government did not effectively enforce child labor laws, in part due to resource constraints that limited inspectors of the Ministry of Labor and Civil Service. The laws were rarely applied to work performed by children in the nonindustrial/informal sector. The government worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Education conducted training sessions to help educators meet the special needs of child laborers. The government continued its cooperation with the ILO to eliminate child labor in the mining sector and, along with NGOs, was reportedly able to remove 240 children from mining work and enroll them in school.

The use of child labor was prevalent. In 2012, 47.8 percent of children between the ages of five and 14 years were engaged in labor, and 26.3 percent of children between the ages of seven and 17 divided their time between work and school. According to the 2009 National Survey on Child Labor in Niger, 43.2 per cent of children between the ages of five and 11 years and 62.5 per cent of children between the ages of 12 and 13 were engaged in the worst forms of child labor. The report found that both the implementation and enforcement of policies were not as strong as needed and noted particular concern over the use of child labor in the mining and agricultural sectors.

Children worked in the agricultural, commercial, handicraft, mining, and domestic service sectors. The majority of rural children regularly worked with their families from an early age helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers made them beg and do manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona, salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to operate using many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concerns about poisoning and groundwater contamination, but the practice remained widespread. Young boys from neighboring countries were trafficked into the country to work in mines, in quarries, on farms, as mechanics, or as welders. Children were also procured for prostitution.

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

#### **d. Acceptable Conditions of Work**

The constitution provides for equal access to employment for all citizens. In March 2012 the minister of population, women's promotion, and child protection launched a public awareness campaign on ILO conventions 100 (equal pay for men and women performing the same job), 111 (gender equality), and 183 (maternity protection as working women's right). The campaign addressed all citizens.

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector. The lowest minimum wage was 30,047 CFA francs (\$62) per month, with an additional 1,000 CFA francs (\$2) added per child per month. The government used 1,000 CFA francs (\$2) per day as the poverty income level. In 2010 the government reported that 59.5 percent of citizens lived below that level.

The formal sector's legal workweek is 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor and Civil Service authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. The labor code provides special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service may grant waivers regarding work hours based on these two sectors' specific nature and make allowances for working larger blocks of time in exchange for time off. Workers may work for two weeks beyond normal work hours, in compensation for which they are allowed two weeks' rest. Employers must provide premium pay for overtime, although the rate is not set by law. Employees of each enterprise or government agency negotiate with their employer to set the rate. The labor code establishes occupational safety and health standards. The 2012 labor code extends labor inspectors' authority and provides for more stringent sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs. There are no exceptions from such protections for migrant or foreign workers.

The Ministry of Labor and Civil Service effectively enforced minimum wages and workweek laws only in the regulated formal sector. The ministry is responsible for enforcing these standards, although staff shortages caused inspectors to focus on safety violations only in the most dangerous industries: mining except gold mining, construction, and manufacturing. The ministry had approximately 100

inspectors deployed nationwide who were responsible for enforcing the labor code. The ministry had limited resources in relation to its needs for transportation, fuel, and other basic resources to carry out inspections effectively. As a result, despite the 2012 law strengthening labor inspectors' authority and imposing more stringent penalties, the number of investigations and prosecutions was still not adequate compared to the size of the country's labor problems. Ministry officials observed that sanctions were not stringent enough to deter violations.

On February 25, the minister of energy and oil met with SYNATRAP leaders to discuss their grievances (see section 7.a. above) and find solutions acceptable to all. The minister stated that he was sensitive to their plight and admitted that workers have the right to organize. He agreed that access to quality health care, safety in the workplace, decent pay, transport, and overtime compensation were workers' legitimate rights and promised to work with the minister of civil service and labor and Chinese employers to find a solution. On February 27, officials from the Ministry of Energy and Oil and the Ministry of Civil Service and Labor met with Chinese employers and labor union leaders to discuss the grievances of the oil workers' union. The parties agreed to workers' electing their representatives immediately, 80-percent health-care coverage, recruiting a physician to work on-site, a 15-percent basic salary increase, adjustment of the salary grid, a 50-percent increase in transport allowances, a 50-percent increase in desert-zone allowances, and sports and cultural activities for workers. On March 1, SYNATRAP members resumed work but pointed out that they were not satisfied with the salary increase and reserved the right to table new grievances for further negotiations on salaries.

Violations of provisions governing wages, overtime, and work conditions were reported in the petroleum and mining sectors, including at gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers including children, domestic workers, and persons in traditional slavery. In the traditional gold mining sector, the use of cyanide posed serious health hazards for workers and the outlying communities. Investors could rent a tract of land and the right to mine it for 20,000 CFA francs (\$41). Typically they then hired foremen who assembled a team of miners. When ore was collected, the foremen and miners received a share of the ore – typically the only direct payment for their labor. An estimated 80 percent of the mining workforce worked in the informal sector. The Ministry of Civil Service and Labor could not confirm the estimate but indicated that the National Statistics Institute was conducting a study on the prevalence of informal workers in the mining sector.

Although generally satisfied with the safety equipment provided by employers, in particular equipment to provide protection from radiation in the uranium mines, union workers in many cases did not receive information about the risks posed by their jobs. According to the Ministry of Civil Service and Labor, there were 229 work-related accidents (on the job and on the way to work), including nine fatalities. All cases were compensated as required by law. Most accidents related to the mining sector. There was one case reported of work-related illness. In the nonunionized informal sector and despite the law, it was unlikely that workers could exercise this right without jeopardizing their employment.