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## 1999 Country Reports on Human Rights Practices

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### NIGER

Niger is in transition following its second military coup d'etat in 3 years. On April 9, 2 days after the Supreme Court annulled the results of the February 7 local elections, President Ibrahim Mainassara Bare, who came to power by a coup d'etat in January 1996, was assassinated by members of his presidential guard. Several days after Bare's assassination, a group of military officers led by Major Daouda Malam Wanke asserted control over the Government, called the assassination an "unfortunate accident," and subsequently suspended the Constitution, dissolved the National Assembly, and created three bodies to oversee a 9-month transition to a democratically elected government. Major Wanke's transition plan was supported by members of 11 of the country's opposition parties. The military officers retained effective control of the country during the interim period through the National Reconciliation Council (CRN), which was led by Major Wanke. The CRN appointed Ibrahim Assane Mayaki as Prime Minister, formed a cabinet with civilian members of political parties, traditional chiefs, and former government leaders, and scheduled a first round of presidential elections for October 17, and a presidential runoff and legislative elections for November 24. The National Consultative Council consisted of members of political parties, civil society, traditional chiefs, and former government leaders and addressed fundamental questions, such as the role of political parties, the Electoral Code, and a new Constitution. The National Consultative Council was created to fill the role of the dissolved National Assembly; however, this body was limited to making recommendations and was not granted legislative powers. On July 18, citizens voted in a popular referendum and approved a new Constitution that provides for power sharing between the President and Prime Minister and granted amnesty to perpetrators of the 1996 and 1999 coups. Tandja Mamadou was elected President in November with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. In the November 24 National Assembly elections, the National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition backing Tandja won 55 of the 83 seats in the Assembly. Tandja was inaugurated on December 22 and was expected to appoint a new Prime Minister at the beginning of 2000. The judiciary

remains subject to executive interference.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. However, since the 1996 coup, the army has had a much more prominent role. The April coup was led by a small group of junior army officers and resulted in early retirement for more senior members of the armed forces. Some members of the security forces committed serious human rights abuses.

The economy is based mainly on traditional subsistence farming, herding, small trading, and informal markets. Less than 15 percent of the economy is in the modern sector. Uranium is the most important export. Per capita income is about \$200. Drought, deforestation, soil degradation, low literacy, a depressed uranium market, high import prices, and burdensome debt further weakened the already troubled economy. The country is heavily dependent on foreign assistance, most of which was suspended after the April coup d'etat.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. The 1996 coup, the fraudulent 1996 presidential elections, the disputed February local elections, and the April coup effectively disenfranchised citizens, preventing them from exercising their right to change their government; however, citizens finally were able to exercise this right late in the year in generally free and fair elections. Security forces assassinated the Head of State, committed other extrajudicial killings, beat and abused persons, intimidated and injured independent election officials, and destroyed election results and equipment. Security forces on occasion intimidated opposition political figures and violated laws governing searches, treatment of prisoners, and length of detention. Prison conditions remained poor, and arbitrary arrest and detention remain problems. The overloaded judicial system and delays in trials resulted in long periods of pretrial confinement. There were several prison disturbances, one of which led to the deaths of 29 persons in detention. The judiciary also is subject to executive influence. Security forces infringed on citizens' privacy rights. The Bare Government restricted freedom of speech and of the press; however, the transition government significantly reduced the extent of such abuses. The Bare Government continued to ban some peaceable meetings and demonstrations and intimidated the private press; however, the transition government significantly reduced the extent of such abuses. The Government restricted freedom of movement. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persists, despite government efforts to combat it. There is societal discrimination against the disabled and ethnic minorities. The Government restricts some worker rights.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

Members of the presidential guard on April 9 assassinated President Ibrahim Mainassara Bare. They also killed his driver and one bodyguard. At least five other persons were injured seriously by stray gunfire. Major Daouda Malam Wanke, commander of the presidential guard, became President of the National Reconciliation Council and Head of

State. The transition government insisted that Bare was killed in an "unfortunate accident," and all coup perpetrators were granted amnesty by the July Constitution.

At the Niamey central prison on August 29, prison guards forced 74 rebellious inmates into a 324 square foot cell. When the prisoners objected to the overcrowding, the guards used tear gas, killing 29 prisoners by asphyxiation. The Minister of Justice promised a full investigation and the reform of the prison and justice systems. The prison supervisor and one guard were arrested as a result of the deaths. At year's end, one guard remained in prison and the other was released provisionally while he awaits judicial proceedings (see Section 1.c.).

In January a Nigerien-Algerian team of security forces attacked a camp of alleged Islamic fundamentalists in the northwestern corner of Niger, killing between 4 and 15 persons and arresting a number of wealthy merchants suspected of supporting the alleged fundamentalists. The attack reportedly was an attempt to prevent the fundamentalists from escaping to Algeria.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces while armed Kanouri, Toubou, Peul (Fulani), and Arab militias fight among themselves. The region is very insecure, and it is difficult to confirm reports; however, there have been other allegations of extrajudicial killings by the security forces and armed militias.

Despite such incidents, the August 1998 peace agreement with the Toubou ethnic group's Democratic Front for Renewal (FDR) generally has been respected.

In February a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered in the far eastern region of Bosso. The missing men had been expelled from Nigeria to Niger as part of a Chad-Niger-Nigeria joint military operation. When last seen by their families in October 1998, the Toubous were in the custody of the Nigerien armed forces. The Government acknowledged the existence of the mass grave. Domestic and international human rights groups called for an independent investigation but so far, none has been forthcoming.

No charges were brought against the member of the presidential guard who shot and killed a member of the Republican Guard in February 1998; he was released from custody during the year. No charges were brought against the leaders of a Republican Guard May 1998 mutiny; they also were released from custody during the year.

Disagreements over land use between sedentary farmers and herders as well as among different groups of herders led to several incidents of mob violence and killings, particularly in the Tillaberry Department along the Malian border and the Lake Chad region.

On July 26, the Security Coordinating Committee called upon the Government to take necessary action in response to the deteriorating security situation in the North Tillaberry pastoral zones. Frequent attacks by Tuaregs from the Malian side of the border, which were countered by Peul self-defense militias, resulted in the deaths of at least 150 persons as well as incidents of rape, kidnaping, and theft of 20,000 head of cattle.

Unlike the previous year, there were no reports of violence related to the Tuareg ethnic insurgency in the north, which effectively ended with the November 1997 supplemental peace accord.

In January two men accused of armed robbery were killed by vigilantes in the Zongo neighborhood of Niamey. No action was taken against the vigilantes.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, conflict between Tuaregs based in Mali and Peul self-defense militias led to kidnappings (see Section 1.a.).

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

The Constitution prohibits such practices; however, on occasion police beat and otherwise abused persons. In January a taxi driver accused of stealing a package worth \$400 (225,000 CFA francs) was arrested and detained for 8 days without charge. He was suspended from a bar by his ankles and fists and beaten, sustaining severe injuries. Eventually he was released, but no charges were brought against the abusive prison guards.

In November hundreds of university students held a sit-in on the Kennedy Bridge in Niamey to press claims for payment of their scholarships, which they reportedly had not received for 2 years. Police officials used tear gas to disperse students from the bridge; at least 20 students were injured (see Section 2.b.).

According to local press reports, on March 13 the publishing director of La Voix du Citoyen was ambushed and beaten by military personnel. Neither police personnel nor military personnel conducted an investigation of this alleged attack.

Police extorted bribes at checkpoints (see Section 2.d.).

Prison conditions are poor. Prisons are underfunded and understaffed. They are overcrowded and diet, health, and sanitary conditions are very poor. In August four inmates died when a prison roof collapsed on them in the Diffa (far eastern) region. Prisoners are segregated by sex, but minors and adults are incarcerated together. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Corruption among prison staff is rampant.

Anger at the comparatively expeditious treatment and amnesty of those accused of "political" crimes such as destroying election results led to several prison riots, including one that resulted in 29 deaths (see Section 1.a.).

In September 74 prisoners escaped from prison in Zinder following protests over conditions in the prisons and delays over legal proceedings. The prisoners reportedly set fire to tires then broke through the main gates of the jail. Police personnel caught several of the escaped prisoners during the first days following the escape; however, the majority of the escaped prisoners were not caught. Following the breakout, police personnel arrested 200 persons suspected of harboring the escapees (see Section 1.d.).

There are reliable reports that prisoners who have financial means leave prison for the day and serve their sentences in the evenings or claim illness and serve their sentences in the national hospital.

Human rights monitors, including the International Committee of the Red Cross, have unrestricted access to prisons and detention centers and visit them.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and laws officially prohibit detention without charge in excess of 48 hours, police violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor gives the case to another officer, and a new 48-hour detention period begins. Police, acting under authority given them by the Security Law, conduct sweeps to detain criminals and ensure that identity documents are in order.

On May 29, former Minister of Defense, Yahaya Tounkara, was placed under house arrest after reading a declaration calling for an investigation into Bare's assassination. Military forces blocked the entrance to his house for several days; however, they were subsequently discharged.

On September 17, five members the RDP were arrested and held at the State Documentation Center (CDE), the intelligence center, for questioning. No charges were brought against them. All five were released before the October election campaign.

In August the editor of Le Canardo newspaper was arrested and held for questioning due to his refusal to comply with a ban on the publication of Le Canardo. No charges were brought against him and he was released after several hours (see Section 2.a.).

In September police officials arrested 200 persons suspected of harboring 74 escaped prisoners from Zinder; they were released within several days (see Section 1.c.).

In October 100 soldiers in Maradi mutinied and took several government officials hostage, reportedly due to nonpayment of a promised salary supplement; there were no reported deaths among the hostages. The mutinous soldiers later were dismissed by the transition government.

In October Yusuf Bashar, the former Nigerian ambassador to Libya, was arrested without charge upon his return to the country from his post. He was released several days later. Press reports alleged that the transition government considered Bashar too close to the late President Bare.

The judicial system is seriously overloaded. There are no statutory limits on pretrial confinement of indicted persons. Detention frequently lasts months or years. Some persons have been waiting as long as 8 years to be charged. Of the 644 prisoners in Niamey's central prison 515 are awaiting trial or had no charges brought against them.

The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer

immediately upon detention. The State provides a defense attorney for indigents. Bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevent full exercise of these rights.

The Constitution prohibits exile, and there were no reports of its use.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it is subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups assert that family and business ties influence the lower courts and undermine their integrity. Judges sometimes fear reassignment or having their financial benefits reduced if they render a decision unfavorable to the Government.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only the application of the law and constitutional questions. There are also customary courts.

Traditional chiefs can act as mediators and counselors and have authority in the realm of customary law as well as status under modern law where they are designated as auxiliaries to local administrators. They are charged with collecting local taxes and receive stipends from the Government but do not have police or judicial powers and can only mediate, not arbitrate, disputes under customary law. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal education who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by code, and defendants may appeal a verdict to the formal court system. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers comply with government requests to provide counsel, they generally are not remunerated by the Government.

There were no reports of political prisoners.

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

The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations report that police often conduct routine searches without warrants. Police may search without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the transition government generally respected this right in practice, although the Bare government did not. In June the transition government created the National Communications Oversight (ONC) group to provide for independence of the media and ethics in journalism.

The Government publishes a French-language daily newspaper, *Le Sahel*, and its weekend edition. There are about 12 domestically published private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions; however, there were several attempts by the former government to stifle freedom of the press. Foreign journals circulate and report freely. However, strict accreditation requirements imposed on journalists by the 1997 press law remained in place. In the February local elections campaign, opposition parties did not receive the same media access that the RDP enjoyed.

In July the ONC censured the editor of the *Canardo* newspaper and banned its publication because the editor was allegedly not a licensed professional journalist. When the editor did not comply, he was arrested on August 31 and held for questioning for several hours before being released (see Section 1.d.). In November the President of the ONC announced a new amendment for election campaign media access. The amendment prohibited incendiary rhetoric on racial or ethnic grounds and prohibited the publication of any declaration by dissenting groups within a political party or associated with defection of members of a party in favor of another party.

On September 10, the ONC announced the creation of the Media Access Control Committee for the presidential elections in collaboration with the Independent Electoral Commission, the Minister of Justice, the president of the lawyer's union, and political parties. The committee is charged with ensuring that all presidential candidates get equitable and free access to the public media and monitor coverage in the private media. Prior to the presidential and legislative elections in November, all of the country's political parties reportedly received free and equitable access to the public media.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned radio *Voix du Sahel* transmits 14 hours per day, providing news and other programs in French, Hausa, Djerma, Tamashek, Fulfulde, Kanouri, and several other local languages. Several private radio stations broadcast on FM in Niamey, including Radio France International, Africa Number One, Radio et Musique, Radio Souda, Radio Tenere, and Anfani; the last four are locally owned and feature popular news programs in local languages, including Djerma and Hausa.

These private radio stations generally were less critical of government actions than the private newspapers were. Radio Afani remained the domestic station most critical of the Bare and transition governments. Radio et Musique tried to present news coverage that includes opposition as well as government points of view. The other private domestic radio stations are smaller and offer little domestic news programming.

The government-operated multilingual national radio service provided equitable air time

for all political parties since the transition government assumed power.

On August 1 1998, the Government's Superior Council on Communication prohibited domestic broadcasting services from rebroadcasting programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), and Deutsche Welle programs without a time delay that would enable the Government to hold local broadcasters responsible for the programs' content. However, domestic affiliates of international services generally did not comply with this prohibition, and the Government apparently did not enforce it.

Television is a far less important medium than radio. Government-owned Tele-Sahel broadcasts about 4 hours every evening, with programming emphasizing news in French and other major national languages. There are no private television broadcasting stations, apparently because they would not be commercially viable in the country's economy. The director of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

SONITEL, the state-owned telephone monopoly, is the country's only Internet service provider. There are no private Internet service providers because government regulation of the telecommunications sector sets prices at prohibitive levels; several individuals hope to enter the Internet service provider market after an anticipated deregulation of the sector. The Government does not restrict access to the Internet through SONITEL, although technical difficulties often do.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics is extremely rare. During the February local elections campaign, state media gave much more coverage to the ruling party than to all opposition parties combined. The transition government gave equal access and coverage to political parties and their views; at least 16 major and minor political parties had access to the state press during the preelection period.

Academic freedom is respected. In November university students protested nonpayment of their scholarships (see Sections 1.c. and 2.b.).

#### b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly; however, the Bare government on occasion banned peaceable meetings and demonstrations, and the transition government suspended political party activity during the first days following the coup. The Government retains the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations, and there were no reports of political parties being denied permission for demonstrations during the year.

In November hundreds of university students held a sit-in demonstration on the Kennedy Bridge in Niamey to press claims for payment of their long overdue scholarships. Police officials used tear gas to disperse students from the bridge, injuring at least 20 students (see Section 1.c.).



The Constitution provides for freedom of association with the limitation that citizens may not form political parties based on ethnicity, religion, or region, and the Government respects these provisions in practice. There are 24 political parties.

#### Freedom of Religion

The new Constitution, provides for "the right of the free development of each individual in their...spiritual, cultural and religious dimensions," and the Government supports the freedom to practice one's religious beliefs, as long as persons respect public order, social peace, and national unity.

Religious organizations must register with the Interior Ministry. This registration is a formality and there is no evidence that it ever has been denied.

Islam is the dominant religion and is practiced by over 90 percent of the population. Christians (including Jehovah's Witnesses) and Baha'is practice freely. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities, and the practice of other religions in those cities is not as well tolerated as in other areas. No religious group is subsidized officially, although the Islamic Association has a weekly broadcast on the government-owned (and the only) television station. Christian programming generally is broadcast only on special occasions such as Christmas.

The State must authorize construction of any place of worship.

Foreign missionaries work freely, but their organizations must be registered officially as associations.

There were instances during the year in which local police stated that they were not confident that they could ensure the safety of foreign missionaries.

On April 15, the Assemblies of God Church in Niamey was notified by the mayor's office that it must close until the "new order" is established, presumably until a democratically elected government is in place in early 2000. The church has been in its location since 1996 and has had an ongoing problem with one of its neighbors. The neighbor, who is from another Christian group, has been trying actively to have the church closed since its establishment. The church has been trying to find an amicable solution to maintain its good relationships in the community while protecting its interests against attacks by the neighbor. The police and local authorities had been responsive and supported the church's right to exist in the neighborhood. The authorities ordered the church to close; however, this order was not enforced and the church remained open (see Section 5).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and does not restrict either emigration or repatriation; however, authorities imposed some restrictions on these rights. Some ministers of the former government were prohibited from leaving the country pending inquiries into their financial affairs. International election monitors were prohibited from traveling to polling stations throughout the country during the February local elections. In addition security forces at checkpoints monitor the travel of persons and the circulation of

goods, particularly near major population centers, and sometimes demand extra payments. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the U.N. Convention Relating to the Status of Refugees. However, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In accordance with U.N. principles, the Government offers first asylum. To date it has offered asylum to several thousand persons from neighboring countries as well as smaller numbers from distant countries. A few Chadian refugee families remain in the country.

There were no reports of the forced repatriation of persons to a country where they feared persecution.

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

The Constitution provides for the right of citizens to change their government; however, the January 1996 coup, the fraudulent 1996 presidential election, the disruption of February local elections, and the April coup effectively disenfranchised citizens, preventing them from exercising this right. The July Constitution provides for a semipresidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three presented by the majority party or coalition in the National Assembly. Seven candidates qualified for the first round of presidential elections held on October 17. Since no candidate received 51 percent of the vote, a second round was held on November 24. In the second round, Tandja Mamadou was elected President with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 24 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition backing Tandja won 55 of the 83 seats in the Assembly. Five of the country's 11 political parties are represented in the National Assembly. Tandja was inaugurated on December 22 and was expected to appoint a new Prime Minister at the beginning of 2000.

In February local elections were held to start the process of decentralization, which had been initiated before 1996. Communities were to elect municipal, departmental, and regional councils giving localities more autonomy to manage their affairs. All political parties participated in the elections. Although security forces tried to impede the movement and access of international observers before the voting began, the observers judged the elections to be free and fair in their technical conduct; however, the more serious disruptions occurred in the compilation and publication of the results. After the vote counts (which clearly showed that the presidential RDP party would not have an overwhelming majority), the results were transferred to the Independent Election Commission (CENI) offices where security forces broke in, destroyed results and equipment, and in some cases injured workers. As each polling station had political party representatives present during the vote count, actual results could have been reconstructed; however, the Government acknowledged problems but deferred to the constitutional chamber of the Supreme Court to rule on the results and to the judicial

system to deal with any irregularities.

On April 6, the Supreme Court, holding to a strict interpretation of the law, only validated those results for which original, signed official records were available. To replace the missing vote tallies, voting would have to be repeated in about 4,000 polling stations, approximately 40 percent of the total. On April 8, the Government called on the public to respect the decision of the court and to remain calm. It also promised to take the necessary measures to identify and punish those responsible for the "troubles."

On April 9, President Ibrahim Mainassara Bare, who came to power by a coup d'etat in January 1996, was assassinated by members of his presidential guard. Several days after Bare's assassination, a group of military officers led by Major Daouda Malam Wanke (commander of the presidential guard) asserted control over the Government, called the assassination an "unfortunate accident," and subsequently suspended the Constitution, dissolved the National Assembly, and created three bodies to oversee a 9-month transition to a democratically elected government. Major Wanke's transition plan was supported by members of 11 of the country's opposition parties. Major Wanke and his military officers retained effective control of the country during the interim period through the CRN. The CRN formed a cabinet with civilian members of political parties, traditional chiefs, and former government leaders, and scheduled a first round of presidential elections for October 17, and a presidential runoff and legislative elections for November 24. The National Consultative Council consisted of members of political parties, civil society, traditional chiefs, and former government leaders and addressed fundamental questions, such as the role of political parties, the Electoral Code, and a new Constitution. The National Consultative Council was created to fill the role of the dissolved National Assembly; however, this body was limited to making recommendations and was not granted legislative powers.

On July 18, a new Constitution was approved by 90 percent of the 31 percent of the population that voted in the referendum. It reiterates rights granted under the 1992 and 1996 constitutions. The Constitution provides for a political system with checks and balances, a representative one chamber national assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot. The Prime Minister is no longer subordinate to the President; however, the Prime Minister must be chosen from a list of three candidates submitted to the President by the majority of the National Assembly.

The Constitution also granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty is scheduled to be approved in the first session of the next National Assembly, which was expected to meet in January 2000. The Constitution also allowed governmental authorities to remain in place until new elections were held.

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in presidential and National Assembly elections.

Women are underrepresented in government. Only one woman won a seat in the new National Assembly and there are two female ministers in the Government.

The Government supported greater minority representation in the National Assembly, but

no seats in the National Assembly are reserved for ethnic minorities. President Tandja is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up about 56 percent and 22 percent, respectively, of the country's population (see Section 5). Although there are some questions about President Tandja's ethnicity, he is reportedly half Peul and half Kanouri. All major ethnic groups are represented in the Government.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations normally operate without government hindrance, and they publish findings and conclusions that often are highly critical of the Government in their own publications and in the small independent press. Notable among the associations are the Nigerian Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There are several other women's rights groups. The International Committee for the Red Cross is active in the country. The Government invited international observers to the February municipal elections and the October and November presidential and legislative elections. During the February elections, some international observers were prevented by RDP authorities from traveling to polling places throughout the country. However, during the October and November elections, about 200 international observers monitored polling stations throughout the country, reportedly with no intervention.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, and Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there is discrimination against women, children, ethnic minorities, and disabled persons, including limited economic and political opportunities.

##### Women

Domestic violence against women is widespread, although firm statistics are lacking. Wife beating is reportedly common, even in upper social classes. Families often intervene to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so, due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations report that prostitution is often the only economic alternative for a woman who wants to leave her husband.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights.

Discrimination is worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting

47 percent of the work force, women have made only modest inroads in civil service and professional employment and remain underrepresented in these areas.

Women's inferior legal status is evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of households. Among the Hausa and Peul in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1994 the Government considered a draft family code intended to eliminate gender bias in inheritance rights, land tenure, and child custody, as well as end the practice of repudiation, which permits a husband to obtain an immediate divorce with no further responsibility for his wife or children. However, in June 1994 when Islamic associations criticized the draft code, the then-Government suspended discussions. The Government has taken no further action on the family code, although on August 13, it ratified the Convention for the Elimination of All Forms of Discrimination Against Women. Some Islamic groups criticized the treaty and complained that they were not consulted beforehand. Women's groups have so far been silent, allegedly due to fear of reprisals. The same Islamic militant groups worked against the family code, and reportedly threatened women who supported the code with physical harm.

### Children

Although the Constitution provides that the State promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only about 32 percent of children of primary school age attend school, and about 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 7 percent, compared with 18 percent for males.

Secondary school students in May conducted two violent demonstrations to protest the nonpayment of their stipends. Students used rocks, burned tires, and stopped traffic. There were no reported injuries and classes resumed within a few days.

Tradition among some ethnic groups allows young girls from rural families to enter into marriage agreements on the basis of which girls are sent by the age of 10 or 12 (or younger) to join their husband's family under the tutelage of their mother-in-law. There are credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the extreme west and far eastern areas of the country. Clitoridectomy is the most common form of FGM. FGM is not illegal, but the Government is engaged firmly in an effort to eliminate the practice. The Government is working closely with a local NGO, the United Nations Children's Fund, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

### People with Disabilities

The Constitution mandates that the State provide for the disabled; however, the Government has yet to implement regulations to mandate accessibility to buildings and

education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists. Religious Minorities

At times Muslims have not been tolerant of the rights of minority religions to practice their faith. On April 19, 1998, Catholic and Protestant churches in Maradi, in the south central region on the Nigerian border, were attacked by a group of demonstrators who allegedly included some local Shi'ite Muslims. Some injuries to parishioners were reported and altars and religious artifacts were damaged or destroyed. Police responded within 40 minutes and arrested some of the demonstrators.

In mid-November 1998, members of a Baptist mission encountered problems with some members of the local Muslim community in Say, one of the Islamic holy cities and site of the Islamic University. Baptist missionaries had been active in the region for over a year and were well accepted by the population until they considered building a church. At that time, some local community members threatened to burn down the missionaries' houses unless they left Say by the end of the week. When the Baptist mission members reported this threat to the authorities, they were told that, while it was within their rights to be there, the local police force could not ensure their safety. The missionaries continued to work in the Say region, but they decided to postpone their church-building plans.

On August 20, members of the Southern Baptist Mission in Say received threats of physical harm from members of a local Islamic association unless they left the city by the end of the week. The missionaries have been receiving periodic threats since November 1998 when they announced their intention to build a church in Say, which is considered an Islamic holy city. The missionaries reportedly left Say following these threats and permanently relocated to another location in the country (see Section 5).

#### National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups make up about 56 percent and 22 percent, respectively, of the country's population of more than 10 million. These two groups also dominate government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma. Ethnic minorities--Tuareg, Peul, Toubou, Kanouri, and Arab--continue to assert that the Hausa and Djerma discriminate against them. However, the Government recently has increased education and health care for ethnic minorities. It supports the April 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continue to have less access to government services, and the suspension of foreign assistance has limited the Government's ability to fulfill its commitments to former rebel areas.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides formal recognition of workers' longstanding right to establish and join trade unions. However, more than 95 percent of the work force is employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerian Workers (USTN), a federation made up of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerian Teachers (SNEN) profess political autonomy, but like most unions, have informal ties to political parties. There is also a small breakaway union confederation, and independent teachers' and magistrates' unions. However, police, water, and forest worker unions, shut down by the Government in 1996 because of their "paramilitary nature," remain suspended. The customs workers union, suspended in 1996 for the same reason, was dissolved in 1997.

The Constitution provides for the right to strike, except for security forces and police, although the police held a 2-day work stoppage in July to protest nonpayment of salaries. In 1994 the National Assembly passed a strike law specifying that labor must give notice and begin negotiations before work is stopped; that public workers must maintain a minimum level of service during a strike; that the Government can requisition workers to provide minimum service; and that striking public sector workers not be paid for the time they are on strike. The latter condition already prevailed in the private sector.

During the year, labor continued to challenge the Government on various issues affecting workers. The USTN called many short strikes, generally of 1 to 3 days' duration, to support demands for: Payment of several months' wage arrears; the repeal of a new mandatory retirement law; the removal of the Minister of Finance; cancellation of salary reductions for civil servants and an increase in income tax rates; and an end to government plans to privatize several state enterprises. Many of these objectives were achieved in cooperation with the transition government.

The USTN is a member of the Organization of African Trade Union Unity and abides by that organization's policy of having no formal affiliations outside the African continent. However, it enjoys assistance from some international unions, and individual unions such as the teachers union are affiliated with international trade union secretariats.

#### b. The Right to Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement, negotiated by the USTN's predecessor, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. In private and state-owned enterprises, unions widely use their right to bargain collectively with management without government interference for wages over and above the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. However, since most organized workers, including teachers, are government employees, the Government is involved in most bargaining agreements. The USTN represents civil servants in bargaining with the Government, and agreements between labor and management apply uniformly to all employees.

The Labor Code is based on International Labor Organization principles. It protects the right to organize and prohibits antiunion discrimination by employers. Labor unions reported no such discrimination.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners. The code does not specifically prohibit forced or bonded labor by children; however, there were no reports that it occurred. Although slavery is prohibited by the Constitution, there were a few media reports that slavery still is practiced by the Tuareg and Arab minorities, particularly in remote northern regions. During the year, one traditional chief was arrested based on charges that he practiced slavery. While there is a traditional indentured servant caste, it could not be confirmed that these individuals are forced into servitude.

### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor in nonindustrialized enterprises is permitted by law under certain conditions. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age are subject to limitation on hours (a maximum of 4 1/2 hours per day) and types of employment (no industrial work) so that schooling may continue. Minimum compulsory education is 6 years, but far fewer than half of school-age children complete 6 years of education.

The law requires employers to ensure minimum sanitary working conditions for children. Law and practice prohibit child labor in industrial work. Forced or bonded labor by children is not prohibited specifically; however, there were no reports of its use (see Section 6.c.). Ministry of Labor inspectors enforce child labor laws. Child labor is practically nonexistent in the formal (wage) sector, although children work in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, are hired in homes as general helpers and baby sitters for very low pay. Rural children (the majority) regularly work with their families from a very early age--helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children are kept out of school to guide a blind relative on begging rounds. Others sometimes are employed by marabouts (Koranic teachers) to beg in the streets. There is no official recognition of this labor.

### e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for a salaried worker of each class and category within the formal sector. The lowest minimum wage is \$42 (24,565 CFA) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel. Minimum wages are not sufficient to provide a decent standard of living for workers and their families. Government salaries are substantially in arrears, which was a significant factor in stimulating strikes during the year. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period. However, for certain occupations the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards. However, due to staff shortages, inspectors focus on safety violations only in the most dangerous



industries: Mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

#### Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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