

NIGER 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Niger is a multiparty republic. In the first round of the presidential elections on December 27, Mohamed Bazoum of the ruling coalition finished first with 39.3 percent of the vote. Opposition candidate Mahamane Ousman finished second with 16.9 percent. A second round between the two candidates was scheduled for February 21, 2021. President Mahamadou Issoufou, who won a second term in 2016, was expected to continue in office until the second round was concluded and the winner sworn into office. International and domestic observers found the first round of the presidential election to be peaceful, free, and fair. In parallel legislative elections also conducted on December 27, the ruling coalition preliminarily won 80 of 171 seats, and various opposition parties divided the rest, with several contests still to be decided. International and local observers found the legislative elections to be equally peaceful, free, and fair.

The National Police, under the Ministry of Interior, Public Security, Decentralization, and Customary and Religious Affairs (Ministry of Interior), is responsible for urban law enforcement. The Gendarmerie, under the Ministry of National Defense, has primary responsibility for rural security. The National Guard, also under the Ministry of Interior, is responsible for domestic security and the protection of high-level officials and government buildings. The armed forces, under the Ministry of National Defense, are responsible for external security and, in some parts of the country, for internal security. Every 90 days the parliament reviews the state of emergency declaration in effect in the Diffa Region and in parts of Tahoua and Tillabery Regions. Civilian authorities generally maintained effective control over security forces, although at times individual soldiers and police acted independently of the command structure. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government, allied militias, terrorists, and armed groups; forced disappearances by government and armed groups; cases of cruel, inhuman or degrading treatment by government; harsh and life-threatening prison

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conditions; arbitrary arrest or detention; political prisoners or detainees; serious abuses in an internal conflict, including killing of civilians, enforced disappearances or abductions, physical abuses or punishment, and unlawful recruitment and use of child soldiers by Boko Haram and ISIS affiliates; lack of investigation of and accountability for violence against women; and existence of the worst forms of child labor.

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

Terrorist groups targeted and killed civilians and recruited child soldiers. Wary of increasing attacks on its borders as well as spillover from insecurity in Libya, the government participated in campaigns against terrorist groups with the governments of Mali, Nigeria, Cameroon, Chad, and Burkina Faso.

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

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

There were unconfirmed reports the government or its agents committed arbitrary or unlawful killings. For example, the armed forces were accused of executing persons believed to be fighting for extremist groups in both Diffa and Tillabery Regions rather than holding them in detention. The governmental National Human Rights Commission (CNDH) received complaints regarding multiple arbitrary and unlawful killings attributed to security forces as well as killings by militias. The CNDH had limited ability to investigate the complaints. Human Rights Watch reported a video showed security forces in vehicles running over and killing apparently unarmed and wounded Boko Haram fighters during a May 11 action in Diffa.

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

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In 2019 Malian militia groups such as the Movement for the Salvation of Azawad and Self-Defense Group Imghad Tuareg and Allies were accused of committing human rights abuses in the country, including kidnapping and arbitrary killing of persons believed to be collaborating with extremist groups. These abuses appeared to cease in May 2019.

b. Disappearance

There were some reports of disappearances perpetrated by security forces in both the Tillabery and Diffa Regions. According to Amnesty International, between March 27 and April 2, security forces allegedly arrested and forcibly disappeared 102 persons in the Tillabery Region as part of Operation Almahou.

There were also multiple instances of kidnappings by armed groups and bandits (see section 1.g.). For example, in 2019 Boko Haram reportedly kidnapped dozens of local chiefs in the Diffa Region.

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

The constitution and law prohibit such practices; however, there were reports by domestic civil society organizations that security forces beat and abused civilians, especially in the context of the fight against terrorism in Diffa and Tillabery Regions. Security forces were also accused of rape and sexual abuse, which the government stated it would investigate.

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

In September the CNDH implicated security forces in human rights abuses in the Tillabery Region in March and April.

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According to the *Conduct in UN Field Missions* online portal, there were open allegations of sexual exploitation and abuse by Nigerien peacekeepers deployed to UN peacekeeping missions, with seven cases from 2018, 2016, and 2015. In five cases the United Nations substantiated the allegations and repatriated the perpetrators, and in the other two cases, the United Nations had completed the investigations and was waiting for additional information from the government. As of September the government had not explained what actions if any it had taken regarding the cases. These cases allegedly involved transactional sex with one or more adults, an exploitative relationship with an adult, and rape of children.

Impunity was a significant problem in the security forces, particularly among the army and police. The Office of the Inspector General of Security Services is responsible for the investigation of police, national guard, and fire department abuses. The inspector general handles inspection of civil protection personnel. The inspector general of army and gendarmerie is tasked with investigating any abuses related to the gendarmerie and military forces. The armed forces conduct annual human rights training. Additionally, all peacekeeping battalions receive human rights and law of war training prior to deployment. The CNDH investigated some allegations that security forces or agents of the government had committed extrajudicial killings, abuse, and disappearances.

Prison and Detention Center Conditions

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

Physical Conditions: Human rights observers stated overcrowding remained a widespread problem. The government reported in December 2019 there were 10,723 prisoners in 41 prisons designed to hold 10,555 persons, perhaps indicating significant underreporting by the government, according to observers. The prisons of Niamey and Diffa were respectively designed to hold 445 and 100 persons but towards year's end held 1,451 and 432 inmates, respectively. Other observers found several prisons to be 300 percent above capacity. In Kollo Prison, prisoners slept outside in the courtyard due to lack of space inside the wards.

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Prison officials held female inmates in separate quarters, which were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes. Terrorist and high-threat offenders were separated from other criminal offenders. The prison system made no provision for special services for detainees with disabilities. Authorities held pretrial detainees with convicted prisoners.

Prison deaths occurred regularly, some from malaria, meningitis, tuberculosis, and COVID-19, but no statistics were available.

Nutrition, sanitation, potable water, and medical care were poor, although officials allowed inmates to receive supplemental food, medicine, and other items from their families. Basic health care was available, and authorities referred patients with serious illness to public health-care centers. Observers noted judicial slowness in assessing conditions, dilapidated prison premises (except at the Tillabery prison), an insufficiency of prison staff, poor food, health care, and maintenance, and inadequacy of post release reintegration systems.

The government operated a detention facility in Goudoumaria that holds defectors from violent extremist organizations while they undergo rehabilitation. Families were kept together and separated from single men. Nongovernmental organizations (NGOs) provided the majority of services to the facility, including potable water, food, and medical care. Children in the camp suffered from malaria, and pregnant women lacked adequate access to emergency care.

National Guard troops were assigned rotationally as prison guards for six months at a time but had little or no prison-specific training. The law creates a specialized cadre of prison guards, and the penitentiary administration reportedly launched a first round of training in 2019 but did not fully implement the law.

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

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Independent Monitoring: Authorities generally granted the International Committee of the Red Cross (ICRC), the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted monitoring visits during the year. The ICRC worked with the local prison administration to facilitate family visits for those detained in connection with the conflict in Tillabery and Diffa regions and imprisoned far from their families in Niamey.

Improvements: As a response to the COVID-19 health crisis, authorities released 1,967 prisoners between March and April by presidential decree.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The constitution and law require arrest warrants. Reports indicated, however, that authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. The 15-day detention period begins once suspects reach the Niamey Central Service for the Fight against Terrorism and Transnational Organized Crime (SCLCT/CTO); terror suspects apprehended in the rural Diffa Region at times spent days or weeks in either regional civilian or military custody before officials transported them to Niamey.

Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for crimes carrying a sentence of less than 10 years. Authorities must notify those arrested of their right to a lawyer within 24 hours of being transferred to SCLCT/CTO. The constitution calls for the

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government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread ignorance of the law and an insufficient number of lawyers prevented many defendants from exercising their rights to bail and an attorney. Except for detainees suspected of terrorism, authorities did not detain suspects incommunicado.

Arbitrary Arrest: Police occasionally conducted warrantless sweeps to detain suspected criminals. Police and other security force members on occasion rounded up persons accused of being members of or supporting terrorist groups, based on circumstantial evidence, subsequently holding them for months or even years (see also section 1.e., Political Prisoners and Detainees).

Pretrial Detention: Lengthy pretrial detention continued to be a problem. The law provides for maximum pretrial confinement of 48 months for terrorism offenses where the sentence could be 10 years or more in prison and 24 months for less serious offenses. The vast majority of prisoners were awaiting trial and, according to statistics provided by the government, approximately 80 percent of prisoners facing terrorism charges were in pretrial detention. The NGO World Prison brief, citing 2017 data, reported that 53.8 percent of the prison population were pretrial detainees. Reports indicated judicial inefficiency, limited investigative capacity, and staff shortages contributed to lengthy pretrial detention periods for terrorism offenses. Regarding other offenses, civil society activists and members of opposition political parties appeared to be especially subject to abuse of their due process rights, including prolonging of pretrial detention to allow prosecutors time to assemble evidence. By contrast, some high-profile detainees benefited from extended provisional release.

Defectors who meet the government's legal criteria for conditional amnesty are supposed to be released after receiving three to six months of deradicalization, rehabilitation, and vocational training. The chief prosecutor is responsible for reviewing defector case files and working with the Ministry of Interior to make decisions regarding the defectors' eligibility for reintegration. Due to bureaucratic and logistical challenges associated with establishing and implementing this program, defectors and family members remained in the facility for prolonged periods--some up to three years.

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e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. The government reassigned some judges to low-profile positions after they asserted independence in handling high-profile cases or rendered decisions unfavorable to the government. There were allegations the government interfered or attempted to interfere in high-profile court cases involving opposition leaders. Judicial corruption--exacerbated by low salaries and inadequate training--and inefficiency remained problems. There were reports that family and business ties influenced lower-court decisions in civil matters. Judges granted provisional release pending trial to some high-profile defendants, who were seldom called back for trial and had complete freedom of movement, including departing the country, and could run as candidates in elections. Authorities generally respected court orders.

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

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

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence and the right to be informed promptly and in detail of the charges against them. Defendants have the right to be present at their trial. Defendants have the right to counsel, which is at public expense for minors and indigent

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defendants charged with crimes carrying a sentence of at least 10 years' imprisonment. Officials provided defendants adequate time and facilities to prepare a defense. The law also provides free interpretation for defendants who do not speak French, the official language, from the moment charged through all appeals. Defendants have the right to confront witnesses and present witnesses and evidence on their own behalf either at the investigative judge or at the trial stage of proceedings. They are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court.

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

Political Prisoners and Detainees

There were reports of political prisoners who remained incarcerated; observers estimated their number to be three. They generally received the same protections as other prisoners. Saidou Bakari, a member of the leading opposition party, remained jailed since 2016 on corruption charges dating back to 2005, although a gendarmerie investigation found no proof of wrongdoing. According to the chief investigative judge of the Niamey court, the case remained under investigation by the office for financial crimes.

On September 29, following months of criticism from local human rights organizations, the Ministry of Justice released pending trial three civil society activists, Moudi Moussa, Halidou Mounkaila, and Maikoul Zodi, held in detention without trial since March. The men were arrested for allegedly participating in an unauthorized public protest and other charges.

In November 2019 a judge released Sadat Illiya Dan Malam, the last of the 29 persons detained in connection with antitax demonstrations during 2018. Sadat believed his lengthy pretrial detention was political revenge for his activism against government corruption.

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

Civil Judicial Procedures and Remedies

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

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

The constitution and law generally prohibit such actions, but there were exceptions. Police may conduct searches without warrants when they have a strong suspicion a house shelters criminals or stolen property. Under state of emergency provisions in the Diffa, Tahoua, and Tillabery Regions, authorities may search houses at any time and for any reason. On May 29, the country adopted a law that allows the presidency to monitor telephone calls, ostensibly for fighting terrorism.

g. Abuses in Internal Conflicts

The regional fight against the terrorist groups Boko Haram and ISIS-WA continued in the east, while extremist groups linked to the conflicts in Mali and Burkina Faso terrorized the west of the country. Several groups with links to al-Qa'ida and ISIS were active in the country.

Killings: Criminals and extremist groups conducted terrorist attacks throughout the country, primarily in Diffa Region and portions of the western region of Tillabery and southern Tahoua. On August 9, for example, ISIS-WA killed six French aid workers and two local guides in a wildlife park in Koure. Many of the killings, especially in Diffa and Tillabery, specifically targeted government authorities or private individuals seen as informants for security or law enforcement entities. Observers noted these attacks significantly disrupted

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government efforts to protect communities and led to substantial internal displacements, bringing insecurity into previously safer areas.

Abductions: There were reports government forces arrested and forcibly disappeared civilians (see section 1.b., Disappearance).

Terrorist groups and criminals kidnapped dozens of citizens and several citizens of western countries. Armed groups in the Diffa Region, including Boko Haram and criminals, abducted civilians. Analysts suggested these kidnappings fueled increasing displacements across the region.

Armed groups in northern Tillabery Region also abducted several persons. Government authorities and citizens were also targeted for abduction. Observers believed the abductions were used to raise funds through ransom, increase recruitment, and exact retribution.

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

Child Soldiers: The government ceased coordinating with the Malian paramilitary groups Imghad Tuareg and Allies Self-Defense Group, which recruited and used child soldiers in 2019.

In 2019 security forces captured an unknown number of children in Diffa and Tillabery Regions and detained them in Niamey and Kollo prisons for alleged involvement with terrorist groups. Experts of the Ministry of Justice and the Child Protection Directorate within the Ministry for the Promotion of Women and the Protection of Children determined their ages and provided services in one of four orientation and transition centers in Niamey. They were progressively reunited with their families. Some of these detainees were Nigerian citizens. Other children remained at the defectors' rehabilitation facility in Goudoumaria, with the government focusing on transitioning juveniles back into their communities.

Boko Haram recruited and used children in both combatant and noncombatant roles. There were reports of forced marriages to Boko Haram militants.

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

Other Conflict-related Abuse: Humanitarian organizations in the Diffa Region were sometimes unable to obtain the required security escorts and clearances required to travel outside of the town of Diffa to distribute aid. Boko Haram and ISIS-related violence displaced civilians. Extremists also conducted targeted campaigns of killings and threats against “informants.” Humanitarian organizations reported similar problems in the Maradi and Zinder Regions. Criminality also appeared to continue with reported cases of extortion, kidnappings, and home invasions.

ISIS-GS and Jama'at Nasr al-Islam wal Muslimin affiliates in northern Tillabery Region reportedly continued charging local villagers taxes, while extremists in western Tillabery Region reportedly burned government-funded schools, telling villagers their children should not attend such schools. Extremists in Tillabery targeted local and administrative authorities, killing or abducting canton chiefs. This practice was also extended to village chiefs, who were attacked, killed, or subjected to repeated threats in Torodi and other locations near the border with Burkina Faso and particularly Mali.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

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

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

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a variety of views with some restrictions. The government owned and operated television, radio, and major print publications, and provided funding to independent media publications through the Supreme

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Council of Communications, which ostensibly monitored content for factual accuracy and unbiased coverage.

Violence and Harassment: Authorities occasionally arrested journalists and civil society activists linked to factual inaccuracies in reporting on government corruption, specifically on allegations of financial mismanagement in the Ministry of National Defense.

On March 5, police arrested journalist Kaka Touda Mamane Goni for publishing false statements after he posted a report online concerning a suspected case of COVID-19 at a Niamey hospital. On March 26, he received a three-month suspended sentence, and a court ordered him to pay a token fine to the hospital.

On March 18, police arrested journalist Moudi Moussa and two activists and released them in September (see section 1.e., Political Prisoners).

On June 10, authorities arrested and detained blogger-journalist Samira Sabou on charges of defamation filed by the son of the president after she alleged in a May 26 blogpost that he was involved in a major military procurement corruption scandal. A Niamey court acquitted Sabou and released her on July 28. On July 12, police detained Ali Soumana, the editor of the newspaper *Le Courrier*, a day after Soumana published an article regarding the same procurement scandal. On July 14, he was provisionally released pending trial.

Censorship or Content Restrictions: Journalists believed they did not practice self-censorship, but they admitted some topics were taboo. Opposition journalists sometimes encountered pressure from authorities concerning reporting critical of the government. State-owned and -operated media generally did not cover the statements or activities of opposition parties and civil society organizations critical of the government. The government broadly excluded opposition journalists from official press conferences and events.

National Security: The declaration of the state of emergency in Diffa, Tillabery, and Tahoua Regions grants the government special authority over media for security reasons. Responding to an increased rate of terrorist attacks, the

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government extended the state of emergency in these regions on a rolling three-month basis through parliamentary approval.

Internet Freedom

The government did not restrict or disrupt access to the Internet, but it monitored online content and used Facebook postings as a basis to charge civil society activists with crimes. For example, authorities arrested Ali Tera in 2019 based on his online activity in which he was critical of the government, including calling for the president's assassination. Ali Tera remained in detention and under investigation.

The law to counter cybercriminality also regulates social media use by criminalizing "blackmail," propagation of "fake news," "defamatory writings," "hate speech," or "libel" on social media. Offenders face from six months to three years in prison and fines. Critics of the law believed it aims to silence social media, journalists, and bloggers from exerting their rights on the internet, since authorities were increasing restrictions on traditional press.

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom. The government planned to appoint university chancellors instead of election by university professors and staff in previous years. After a months-long strike by academic personnel, the government accepted peer-elected chancellors but appointed the university president, who presides over the chancellors. The Ministry of Higher Education returned payroll deductions to the striking teachers and paid backlogged salaries for researchers.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

Although the constitution and law provide for freedom of assembly, police sometimes forcibly dispersed demonstrators. The government retained authority to

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prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice. At a protest against corruption in March, police made arrests and fired tear gas, and a resulting marketplace fire killed three persons.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this freedom; however, government representatives accused human rights-related civil society organizations of being “putschist” or intending to overthrow the government. The law does not permit political parties based on ethnicity, religion, or region.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

In-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. The government continued its ban on motorcycles in Tillabery Region and parts of Dosso Region.

e. Status and Treatment of Internally Displaced Persons

The Office of the UN High Commissioner for Refugees (UNHCR) estimated there were approximately 257,000 internally displaced persons (IDPs) nationally, including 103,000 in the Diffa Region, and approximately 34,000 returned citizens from Nigeria displaced by Boko and ISIS-WA-instigated violence. IDPs resided mainly in out-of-camp settings in the Diffa Region. The government worked with foreign donors and the humanitarian community, including international aid organizations and NGOs, to supply displaced populations and hosting communities

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with shelter, food, water, and other necessities. The government engaged in efforts to promote the safe voluntary return or resettlement of IDPs. The law provides for the protection and assistance of persons fleeing violence, floods, drought, and other disasters, which would primarily benefit IDPs.

Intercommunal conflict between farmers and herders in northern Tillabery Region, combined with banditry and attacks by terrorist groups, resulted in population displacement. As of September UNHCR reported approximately 84,000 IDPs in the Tillabery Region and more than 55,000 in the Tahoua Region. Insecurity in the Maradi Region also caused a sharp increase in IDPs, rising to 17,000 newly displaced persons in September.

f. Protection of Refugees

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

UNHCR closed the three refugee camps it managed in the Tillabery Region (Tabareybarey, Mangaize, and Abala) as part of an urbanization strategy for the region. The refugees received shelter and plots of land near the villages of Ayerou, Ouallam, and Abala. UNHCR also managed one official “refugee zone” in the Tahoua Region (Intikane) and one refugee camp in the Diffa Region, and it assisted refugees in the urban centers of Niamey and Ayorou.

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

Following a violent attack on Intikane in June by unidentified armed men on motorbikes, approximately 25 percent of the refugee population fled to Telemces.

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

Durable Solutions: A tripartite agreement between UNHCR, the government, and the Mali government provides a legal framework for voluntary refugee repatriation when conditions in Mali are conducive for sustainable returns. The parties considered conditions in parts of northern Mali were not yet conducive for large-scale returns in safety and dignity, and return was not promoted.

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

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The law centralizes authority for organizing elections in a permanent independent national election commission (CENI) but defines its voting board in a way that leaves it dominated by the ruling coalition. Several parties from the opposition and some ruling coalition party members objected to limitations on the ability of smaller parties to participate in election planning, believing these limitations diminished the legitimacy of election planning and the inclusivity of the electoral process.

International and domestic observers found the first round of the presidential election on December 27 to be peaceful, free, and fair. Nearly 70 percent of registered voters participated. Mohamed Bazoum of the ruling Nigerien Party for Democracy and Socialism coalition finished first with 39.3 percent of the vote.

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Opposition candidate Mahamane Ousman of the Democratic and Republic Renewal party finished second with 16.9 percent. A second round between the two candidates was scheduled for February 21, 2021. President Issoufou, who won his second and constitutionally final mandate in the 2016 presidential election, was expected to continue in office until the second round was concluded and the winner sworn into office.

In parallel legislative elections also conducted on December 27, the ruling coalition preliminarily won 80 of 171 seats, and various opposition parties divided the rest, with several contests still to be decided at year's end. International and local observers found the legislative elections to be equally peaceful, free, and fair.

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

Authorities released opposition leader Hama Amadou early from his one-year prison sentence for adoption fraud due to a COVID-19 related effort to ease prison populations (see section 1.c., Prison and Detention Center Conditions). His conviction prevented him from running for public office, and on November 13, the Constitutional Court declared him ineligible to run for the presidency. Critics alleged his conviction was politically motivated to prevent Hama Amadou from challenging President Issoufou or the ruling coalition.

The law requires the creation of biometric voter lists. Because only approximately 20 percent of citizens have birth documents, observers noted that creating a biometric voter list was problematic. CENI began organizing workshops in 2019 during which witnesses could declare birth information before a judge, resulting in identity documents that could be used to build the voter list. Also in 2019, CENI also began enrolling eligible voters within the new biometric voter system. Opposition parties and civil society groups criticized these efforts, noting that ruling party control of the process might skew the selection of communities or regions for enrollment workshops.

Participation of Women and Members of Minorities: No laws limit the participation of women and members of minorities in the political process, and

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they participated. Cultural factors, however, limited women's political participation. The law mandates that women fill at least 30 percent of senior government positions and at least 15 percent of elected seats. There were eight female ministers in the 43-member cabinet (19 percent). Women held 28 of 171 National Assembly seats (16 percent). Major ethnic groups had representation at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," including ethnic minorities and pastoral populations.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: Civil servants often demanded bribes to provide public services. A poorly 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. Data from a World Justice Project survey published in March showed that citizens in general viewed executive and legislative officials as using public office for private gain.

The High Authority for the Fight against Corruption and Related Offenses (HALCIA) actively investigated official corruption and made several official reports, some of which led to punitive action by the government, including arrests. HALCIA also stopped several public procurement tenders due to concerns of improprieties. Presidential control of its budget, however, limited HALCIA's independence and ability to investigate allegations.

Government prosecutors began investigations into \$137 million lost due to corruption in military procurement contracts from 2017 to 2019. A March release

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of Ministry of National Defense audits noted the involvement of suspected criminal conspirators.

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 while the president complied, other senior office holders did not. These statements are to be updated annually and at the end of an individual's tenure. Copies of the statements are to be forwarded to the government's fiscal services with filers explaining discrepancies between the initial and the updated statements. The Constitutional Court has authority to assess discrepancies, but there was no indication it questioned a declaration's veracity or imposed sanctions.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. At times the government, citing security concerns, restricted access to certain areas of Diffa Region.

Government Human Rights Bodies: The CNDH is responsible for investigating and monitoring a wide variety of human rights topics, including prison and detention center conditions and allegations of torture.

The Office of the Mediator of the Republic served as the government ombudsman, including on some human rights topics. The CNDH and the mediator operated without direct government interference, although they often failed to carry out their work effectively.

For the third consecutive year, the government increased funding for organizations to fight trafficking in persons: the National Commission for the Coordination of the Fight against Trafficking in Persons, which serves as the supervising board for

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the National Agency for the Fight against Trafficking in Persons and the Illegal Transport of Migrants.

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

Women

Rape and Domestic Violence: The law criminalizes rape but does not specify the gender of victims. The law was rarely enforced. Rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the victim. If there is a familial relationship between the perpetrator and the victim, aggravating circumstances apply to the sentencing. Rape was a widespread problem, and stigmatization of victims continued.

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

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

A woman may sue her husband or lodge criminal charges for battery, penalties for which range from two months in prison and a token 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 often were dropped in favor of traditional dispute-resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of the law and fear of spousal or familial repudiation, further violence, or stigmatization.

SOS Women and Children Victims of Violence (SOS-FEVVF) reported receiving several rape and sexual abuse declarations from girls and women.

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Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, which is punishable by six months to three years in prison. If an FGM/C victim dies, the practitioner may be sentenced to 10 to 20 years in prison. In February, UNICEF estimated the prevalence of the practice to be approximately 2 percent among girls and women.

Sexual Harassment: Sexual harassment is a crime punishable by prison sentences of three to six months and fines. 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 doubled.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health free from discrimination, coercion, or violence, but they often lacked the information and means to do so. Barriers to contraception included weak demand from the population and lack of education in contraceptive methods.

Due to a shortage of skilled health professionals, unequal distribution of health workers between urban and rural areas, and distance to health centers, many women used traditional midwives during childbirth and were referred to hospitals only when the mother or child suffered health complications. With limited antenatal care visits, women frequently did not understand the potential for complicated labor and so came late to clinics for assisted deliveries. Reports of deaths and serious complications from these clinic deliveries further dissuaded families from using clinics. It was unclear whether the government provided access to sexual and reproductive health services to sexual violence survivors.

The World Health Organization reported the maternal mortality ratio in 2017 was 509 per 100,000 live births. Major factors influencing maternal mortality included lack of prenatal care, high rates of adolescent pregnancy, diseases during

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pregnancy, hemorrhage and severe postpartum infections, malnutrition, and lack of access to emergency obstetric care. The UN Population Division estimated 21 percent of women between the ages of 15 and 49 used a modern method of contraception.

According to the 2012 *Demographic and Health Survey*, 30 percent of births took place in health centers, and skilled personnel attended 29 percent of births. The United Nations reported in 2017 that the adolescent birth rate was 185 per 1,000 women ages 15 to 19.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, water- and wood-gathering, and other work. In the absence of a formal will stating otherwise, a daughter's share of a deceased parent's property is half the size of a son's share.

Women had low access to education and high rates of early marriage. They were underrepresented in school and employment. According to the UN 2019 *Human Development Index Report*, only 4.3 percent of adult women had reached at least a secondary level of education, compared with 8.9 percent of men. Fewer than seven women out of 10 were represented in the labor market, compared with almost 10 out of 10 men. There were legal restrictions to women's employment, including limitations on working in occupations deemed dangerous.

Children

Birth Registration: Children derive citizenship from their parents, if one parent is a citizen. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to parental poverty, lack of

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awareness, and distance from government services. The government's failure to register births at times, although not done on a discriminatory basis, resulted in citizens' reduced access to some services.

Education: Although the law provides for education for all children from ages four to 18, compulsory education for children of specific ages was not enforced. Many parents kept young girls at home to work, and girls rarely attended school for more than a few years. Access to education for children nationwide was a problem, due to a shortage of teachers, classrooms, and supplies, especially in rural areas. The low quality of public education undermined parents' estimation of the value of sending their children to school and contributed to low attendance rates. For those that were in school, boys' completion rate for primary school was 87.4 percent, while the completion rate for girls was 69.5 percent.

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

Child, Early, and Forced Marriage: The law allows a girl deemed to be "sufficiently mature" to marry at age 15. Some families entered into marriage agreements under which they sent rural girls who were age 12 or even younger to their "husband's" families to be under the "supervision" of their mothers-in-law. According to UNICEF, 76 percent of girls married by age 18 and 28 percent of girls married by age 15.

Working with civil society organizations, in 2019 the government prohibited *wahaya*, a practice whereby some men were able to buy or to be gifted with a "fifth wife." These unofficial wives (Islam allows a maximum of four wives) were the daughters of hereditary slaves, often sold at ages seven to 12 (see section 7.b.). They were intended to perform manual labor for the household and provide sexual services. This practice was concentrated in a specific region in the center of the country. No statistics on its practice were available.

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

Sexual Exploitation of Children: The commercial sexual exploitation of children was a problem. The law criminalizes the procurement, sale, or offering of a minor for the purpose of prostitution, with penalties of two to five years' imprisonment and fines. The minimum age for consensual sex is 13 for both boys and girls.

The law provides that "exploitation shall include, at minimum, slavery or practices similar to slavery" and adds that the recruitment, transport, transfer, harboring, or receiving of a minor younger than 18 for the purpose of exploitation shall be considered trafficking in persons. The penalty for violators is five to 10 years in prison and fines. If the victim is younger than 18, the penalty is 10 to 30 years' imprisonment. If the victim dies, the penalty is life imprisonment.

The law prohibits "indecent" acts against victims younger than 18. It leaves to judges to determine what constitutes an indecent act. The law addresses practices related to pornography.

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

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

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

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

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Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities. The law defined a person with disabilities as one “unable to meet all or part of his needs for a normal life due to a physical, sensory, or mental deficiency.” The government made efforts to enforce these provisions. For example, regulations require that 5 percent of civil servants be persons with disabilities; the government in 2017 employed slightly less than 1 percent. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The law mandates that new government buildings be accessible to persons with disabilities, but the law was not enforced. Authorities sometimes investigated or punished those responsible for violence or abuses against persons with disabilities.

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

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

Children with disabilities were legally able to attend school but faced difficulties, including a lack of adapted instruction and materials, a shortage of specialists for

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working with children with special needs, and a lack of flexibility in the evaluation system. For example, the lack of professional sign language interpreters prevented deaf children from continuing their education past high school.

The law does not contain clear provisions regarding voting registration for persons with disabilities.

Members of National/Racial/Ethnic Minority Groups

Members of the Boudouma minority in the Diffa Region and the Fulani minority in the Tillabery Region faced governmental and societal discrimination due to a widespread perception that the two groups supported or facilitated terrorist activities. Concerns regarding escalation of anti-Fulani prejudice continued. There were also some unconfirmed reports of security forces targeting Fulani in raids and intentionally avoiding Fulani areas during recruitment efforts.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There was strong societal stigma against same-sex sexual conduct, but there are no laws criminalizing adult consensual same-sex sexual conduct. The law states an “unnatural act” with a person younger than 21 of the same sex is punishable by six months to three years in prison and fines.

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

HIV and AIDS Social Stigma

Persons with HIV or AIDS experienced societal discrimination, although strong government efforts discouraged such discrimination. In conjunction with several

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other organizations working on HIV/AIDS topics, the government continued its antidiscrimination campaign. The law provides for protection against discrimination for persons suffering from diseases such as HIV or AIDS and sickle cell anemia.

Other Societal Violence or Discrimination

There continued to be serious stigma associated with being the descendant of a slave. One NGO reported in 2019 that in Denkila village a court decision reportedly prevented a group of 274 families from farming their land for the previous six years. A person with a competing claim to the land had obtained a court injunction against the defendants' use of the land based on an outdated law that forbids former slaves from owning or farming land, in contradiction with the 2003 law banning slavery. With the support of an antislavery NGO, the descendants appealed the decision to the ECOWAS Court of Justice and were awaiting a response at year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provides for freedom of association, but the government had not adopted implementing regulations to enforce the law. While there were no provisions that limit collective bargaining in nonessential services, provisions restrict certain categories of public servants not engaged in the administration of the government from exercising their right to collective bargaining. Children ages 14 to 15 are permitted to work (although there are limits on the hours and type of work) but are not permitted to join unions.

The right to strike excludes police and other security forces. The law restricts the right to strike by public servants in management positions and workers in certain "essential services," the scope of which was broader than that envisioned in International Labor Organization conventions. The law defines strategic and essential services that require minimum service during a strike, including

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telecommunications, health, government media, water supply, electricity distribution, fuel distribution, air traffic control, financial services, public transportation, garbage collection, and government authority services. Legal restrictions usually involve requiring civil servants to report to work during a legally notified strike. There are no prohibitions on strikes in nonessential services. Workers must give employers at least three days' advance notice of intent to strike. The government may call for mandatory arbitration in lieu of a strike.

The law allows unions to conduct their activities without interference. The law prohibits antiunion discrimination and provides for penalties but does not require reinstatement for workers dismissed for union activity. There are limitations on the law's applicability to public service employees, however.

Government application of laws in the public and private sectors varied, but the law was largely enforced. Penalties for violations include imprisonment and fines; these penalties were generally commensurate with those for other laws involving violations of civil rights.

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

Authorities generally respected freedom of association, the right to strike, and the right to collective bargaining, and workers exercised these rights. For example, the tradespersons and storeowners in several markets throughout the country staged unobstructed strikes at times during the year to protest new taxes and high energy costs. Unions exercised the right to bargain collectively for wages above the legal minimum and for more favorable working conditions.

b. Prohibition of Forced or Compulsory Labor

The law criminalizes all forms of forced labor, including slavery, practices similar to slavery, and exploitative begging. The government did not effectively enforce

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these laws, however. The law establishes penalties for forced labor that are commensurate with those for analogous serious crimes, but the penalties were largely unenforced.

The government, particularly the Ministry of Interior and the Ministry of Labor and Civil Service, made efforts to reach out to administrative heads and religious and traditional chiefs to discourage forced labor, especially traditional slavery. In February the High Court reaffirmed the illegality of *wahaya*, the traditional practice of selling girls as young as seven into forced marriages, which also perpetuates hereditary slavery. Enforcement of the law, however, was sporadic and ineffective, particularly outside the capital.

Forced labor remained a problem, especially in domestic work and agriculture. A 2016 study conducted by the National Institute of Statistics, in collaboration with the Ministry of Justice, concluded that victims of forced labor were characteristically young (age 17 on average) and predominantly male (62.5 percent), although adult victims were also identified. The study found poverty and associated misery and unacceptable living conditions to explain why victims accepted offers that put them into forced labor situations.

The Tuareg, Zarma, Fulani, Toubou, and Arab ethnic minorities throughout the country, particularly in remote northern and western regions and along the border with Nigeria, practiced a traditional form of caste-based servitude or bonded labor. Persons born into a traditionally subordinate caste or descent-based slavery sometimes worked without pay for those above them in the social order. Such persons were forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or working as domestic servants. Estimates of the numbers of persons involved in traditional slavery varied widely.

Forced child labor occurred. Thousands of boys as young as four and largely from poor, rural families were forced to beg on city streets in lieu of payment of fees for religious education. Girls from poor rural families were sometimes forced into domestic servitude (see section 7.c.). In Zarma/Songhai communities, social stigma against descendants of hereditary slaves interfered with their right to marry freely, own property, practice independent farming or other economic activity, and participate in politics.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the use of child labor and the employment of children younger than 14. The law, however, does not apply to types of employment or work performed by children outside an enterprise, such as self-employment or in the informal sector. Children age 12 or 13 may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization, as long as such work does not impede their schooling. Light work is defined as including some forms of domestic work, fruit picking and sorting, and other nonindustrial labor. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morals.

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

Child labor was prevalent, with children as young as five engaged in labor. Most rural children regularly worked with their families from an early age, helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some families kept children out of school to work or beg. Children were also forced into prostitution and domestic servitude, artisanal mining, and forced criminality.

There were reports that loosely organized clandestine international networks forced young boys from neighboring countries into manual labor or begging and young girls to work as domestic servants, usually with some degree of consent or complicity of their families.

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

Child labor occurred in hereditary slavery and largely unregulated artisanal gold-mining operations as well as in trona (a source of sodium carbonate compounds), salt, and gypsum mines. The artisanal gold mines at Komabangou, Tillabery Region, continued to use many children, particularly adolescent boys and some girls, under hazardous health and safety conditions. The use of cyanide in these mines further complicated the health hazards. Komabangou miners, other residents, and human rights groups expressed deep concern regarding poisoning, but the practice remained widespread. Children also performed dangerous tasks in cattle herding. Children, especially boys and girls in the Arab, Zarma, Fulani, Tuareg, and Toubou ethnic minorities, continued to be exploited as slaves and endure conditions of bonded labor, particularly in distant western and northern regions and along the border with Nigeria.

Children born into a traditionally subordinate caste or descent-based slavery became the property of their masters and could be passed from one owner to another as gifts or part of a dowry.

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

d. Discrimination with Respect to Employment and Occupation

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

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deemed dangerous to their health, although these restrictions are not clearly defined.

The government did not effectively enforce the law. The government neither adopted regulations to implement the law nor took actions to prevent or prosecute employment discrimination. The government had inadequate staff to investigate reports of violations, and penalties were not commensurate with those for other violations of civil rights.

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

e. Acceptable Conditions of Work

The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal economy. The lowest minimum wage was above the official poverty income level.

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

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maximum eight hours of overtime per week, but this was not enforced. Penalties for wage and hour violations were not commensurate with those for similar crimes, such as fraud.

The law establishes occupational safety and health standards, which were current and appropriate for the main industries. It extends labor inspectors' authority and provides for sanctions, including a mandatory appearance before labor inspectors for resolving labor disputes. By law all workers may remove themselves from situations that endangered health or safety without jeopardy to their employment. Nevertheless, authorities did not effectively protect workers in such situations. The nonunionized subsistence agricultural and small trading sectors, where the law applies but was not enforced, employed approximately 80 percent of the workforce. In the nonunionized informal sector, despite the law, it was unlikely workers could exercise the right to sick leave without jeopardizing their employment.

The Ministry of Labor and Civil Service inconsistently enforced minimum wages and workweek laws and only in the regulated formal economy. The number of inspectors responsible for enforcing the labor code was not sufficient to enforce compliance and monetary sanctions were not commensurate with those for similar crimes. Inspectors have the authority to make unannounced inspections but do not have the authority to initiate sanctions.

Violations of provisions governing wages, overtime, and work conditions reportedly occurred in the petroleum and mining sectors, including at artisanal gold mines, oil fields, and oil refineries. Groups of workers in hazardous or exploitive work conditions included mineworkers, which included children, domestic workers, and persons in traditional slavery. In the artisanal gold-mining sector, the use of cyanide posed serious health hazards for workers and surrounding communities. A significant, but unknown, percentage of the mining workforce worked in the informal sector. The vast majority, however, were employed by large, international firms; labor advocates complained these firms were not transparent regarding work conditions.

Union workers in many cases did not receive information concerning the risks posed by their jobs. The Ministry of Labor and Civil Service responded to reports

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of work-related accidents and required affected employees be compensated as required by law, the government reported. The ministry does not release data on fatal accidents. Most accidents occurred in the mining sector.