

NIGER 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Niger is a multiparty republic. In February 2021 Mohamed Bazoum won the presidential election with an estimated 56 percent of the vote in the second round of voting. He assumed office the following April in the first peaceful transfer of power in the country's history, although the office stayed within the ruling party. International and domestic observers considered both rounds of the presidential election to be peaceful, free, fair, transparent, and inclusive. In 2020 legislative elections, conducted in tandem with the first round of presidential elections, the ruling party won 79 of 171 seats, with 127 seats for the ruling coalition, and opposition parties dividing the remainder. International and local observers found the legislative elections peaceful, free, fair, transparent, and inclusive.

The National Police, under the 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 in some parts of the country for internal security. Every 90 days the National Assembly reviews the state of emergency declaration in effect in the Diffa Region and in parts of the Tahoua and Tillaberi Regions. Civilian authorities generally maintained effective control over security forces, although at times some soldiers and police acted independently of the command structure, including, on March 31, a foiled coup attempt. There were reports members of the security forces committed abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by or on behalf of government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on free expression and media, including unjustified arrests or prosecutions of journalists, and the existence of criminal libel laws; and lack of investigation of and accountability for gender-based violence including but not limited to domestic or intimate partner violence, and child, early and forced marriage.

The government took some steps to investigate officials who committed abuses or engaged in corruption, but impunity remained a significant problem.

Terrorist groups targeted and killed civilians, committed forced disappearances, inflicted cruel, inhuman, or degrading treatment or punishment, and recruited child soldiers. Armed bandit groups, smugglers, drug and human traffickers, and community-based armed militias committed abuses. 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 Burkina Faso, Cameroon, Chad, Mali, and Nigeria.

Section 1. Respect for the Integrity of the Person

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

The National Human Rights Commission (CNDH), a public institution, received complaints of several arbitrary and unlawful executions attributed to the security forces, as well as extrajudicial executions by militias.

There were numerous reports of arbitrary or unlawful executions by authorities or their agents. For example, the armed forces were accused of summarily executing persons suspected of fighting with terrorist groups in the Diffa and Tillabéri Regions. 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., Killings).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices. In 2020 the CNDH implicated security forces in human rights abuses in the Tillabéri Region. The Ministry of Justice and military prosecutors continued to investigate these allegations.

Impunity was a significant problem in the security forces, particularly among army and police members, due to a lack of effective oversight of military investigative and prosecutorial processes. 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 of the 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.

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 terrorist organizations.

Abusive Physical Conditions: Human rights observers stated overcrowding remained a widespread problem. The government reported in 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 in 2021 held 1,451 and 432 inmates, respectively. Other observers found several prisons to be 300 percent above capacity. Prisoners continued to sleep outside in the courtyard of Kollo Prison due to lack of space inside the wards.

Prison officials held women inmates in separate quarters that were less crowded and relatively cleaner than men's quarters. They generally held juveniles separately in special rehabilitation centers or in judicially supervised homes; however, juveniles at Kollo Prison were held with the adult population. Terrorist and high-threat offenders were separated from other criminal offenders. The prison system did not provide 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. Heavy rains and flash floods exacerbated a nationwide cholera outbreak suspected of causing several prison deaths.

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 reported judicial inefficiency in assessing conditions; dilapidated prison premises (except at the Tillaberi prison); insufficient prison staff; poor food, health care, and maintenance of facilities; and inadequate postrelease reintegration systems.

The government operated a detention facility in Goudoumaria that holds defectors from violent terrorist organizations while they undergo rehabilitation. Families were kept together and separated from single men. Nongovernmental organizations (NGOs) provided most services to the facility, including potable water, food, and medical care. Funding for many of the services was inadequate. Children in the facility 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 mandates a specialized cadre of prison guards and transfers management of the prisons to the Ministry of Justice, but authorities did little to implement this transition.

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

Independent Monitoring: Authorities generally granted the International Committee of the Red Cross, the CNDH, and human rights groups access to most prisons and detention centers, including police station jails, and these groups conducted monitoring visits. The government continued to prohibit monitoring visits to the Koutoukale Prison.

d. Arbitrary Arrest or Detention

The constitution and law require arrest warrants, prohibit arbitrary arrest and detention, prohibit detention without charge for more than 48 hours, and provide for the right of any person to challenge the lawfulness of his or her detention, with

some exceptions. The government did not always observe these requirements.

Arrest Procedures and Treatment of Detainees

Reports indicated authorities sometimes held detainees implicated in sensitive cases longer than legally permitted. An investigator may request a waiver for an additional 48 hours before charging an individual. By law if the prosecutor receives a case from an investigator without a charge made within the initial or additional 48 hours, the case must be dismissed. The law allows individuals accused of terror-related crimes to be detained without charge for 15 days, which may be extended only once, for an additional 15 days. The 15-day detention period begins once the suspect's case reaches 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 transport to Niamey. Authorities are required to notify those arrested of their right to a lawyer within 24 hours of being transferred to a SCLCT/CTO facility.

Security forces usually informed detainees promptly of the charges against them. There was a functioning bail system for defendants charged with crimes carrying a sentence of less than 10 years. The constitution calls for the government to provide a lawyer for indigents in civil and criminal cases, although this did not always occur. Widespread ignorance of the law 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. Based on circumstantial evidence, police and other security force members on occasion rounded up persons accused of being members of or supporters of terrorist groups, subsequently holding them for months or even years.

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 prison sentence if convicted could be a minimum of 10 years, and 24 months for conviction of less serious offenses. While the NGO World

Prison Brief, citing 2019 data largely from official sources, reported 56 percent of the prison population were pretrial detainees, local observers believed a vastly greater number of prisoners were awaiting trial. According to statistics provided by the government, approximately 80 percent of prisoners facing terrorism charges were in pretrial detention, and authorities held many beyond the 24- or 48-month maximum term. 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. In contrast some high-profile detainees benefited from extended provisional release. The length of pretrial detention frequently equaled or exceeded the maximum sentence for an alleged crime.

Defectors from terrorist groups 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, defectors and their family members remained in Goudamaria Center, the Defections Transit Center in the Diffa Region, for prolonged periods, some up to three years.

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. Judicial corruption, exacerbated by low salaries, inadequate training, and inefficiency, remained a problem. There were reports persons with family and business influence affected lower-court decisions in civil matters. For example, 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 leaving the country. They could also 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 enforcement or judicial powers.

Customary courts, based largely on Islamic law, try only civil law cases. Legal practitioners, advised by an individual with knowledge of Islamic traditions, head 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 the 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, at public expense for children and indigent defendants charged with crimes carrying a sentence of at least 10 years' imprisonment if convicted. 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 to the investigative judge or at the trial stage of proceedings. Defendants are not compelled to testify or confess guilt. Defendants may appeal verdicts, first to the Court of Appeals and then to the Supreme Court.

Widespread ignorance of the law prevented many defendants from taking advantage of their rights. Judicial delays due to the limited number of courts and staff shortages were common.

Political Prisoners and Detainees

Unlike in prior years, there were no reports of political prisoners or detainees.

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.

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 Tillaberi Regions, authorities may search houses at any time and for any reason. The communications intercept law permits interception of telephone calls and internet connections to facilitate terrorism and organized crime investigations, but the cybercrime act was more commonly invoked by the government (see section 2.a., Violence and Harassment).

g. Conflict-related Abuses

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

Killings: Criminals and terrorist groups conducted terrorist attacks throughout the country, primarily in Diffa Region and portions of the Tillaberi Region and southern Tahoua Region. Many killings, especially in Diffa and Tillaberi Regions, specifically targeted government authorities, including killing or abducting canton chiefs, or private individuals seen as government informants. This practice also extended to village chiefs who were subjected to repeated threats, attacks, and

killings in Torodi and other locations near the border with Burkina Faso, particularly Mali. Observers stated threats and attacks significantly disrupted government efforts to protect communities, introduced insecurity into previously safe areas, and led to a substantial increase in internally displaced persons (IDPs).

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

Armed groups in northern Tillaberi Region also abducted government officials, village chiefs, and civilians. Observers believed the abductions were used to raise funds through ransom, increase recruitment, exact retribution, and subjugate communities.

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

According to the *Conduct in UN Field Missions* online portal, as of October there were eight open allegations of sexual exploitation and abuse by the country's peacekeepers deployed to UN peacekeeping missions, in cases from 2018, 2016, and 2015. The United Nations substantiated the allegations and repatriated the perpetrators in five cases: two from the UN Multidimensional Integrated Stabilization Mission in the Central African Republic, two from the UN Operation in Cote D'Ivoire, and one from the UN Stabilization Mission in Haiti. As of October, the government had not explained what actions if any it had taken regarding the five substantiated cases that allegedly involved commercial sex with one or more adults, an exploitative relationship with an adult, and rape of children. The United Nations found the allegations in one of the eight cases to be unsubstantiated, and in the other two cases, the United Nations had completed the investigations and was awaiting information from the government.

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

militants.

Authorities continued to provide services at the Diffa Region defectors' rehabilitation facility of the Goudamaria Center to alleged child soldiers captured in battle, with the government focusing on transitioning juveniles back into their communities.

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: Boko Haram, al-Qa'ida, and ISIS-related violence displaced civilians. Civil society organizations in the Diffa and Tillaberi Regions were sometimes unable to obtain the required security escorts and clearances required to travel outside of the town of Diffa to distribute aid. They reported similar problems of escorts and clearances in the Maradi and Zinder Regions. Criminality also appeared to continue with reported cases of extortion, kidnappings, and home invasions.

Local media reported ISIS-GS and Jama'at Nasr al-Islam wal Muslimin affiliates in northern and western Tillaberi Region continued to impose taxes on local villagers. Terrorists reportedly burned government-funded schools, telling villagers their children should not attend such schools. Terrorists reportedly began collecting taxes in eastern Dosso Region along the border with Nigeria.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, but the government continued to threaten and harass journalists and other media practitioners, chiefly by using defamation statutes to curb online content it considered objectionable.

Freedom of Expression: Independent media were active and expressed a variety of views with some restrictions.

Violence and Harassment: Authorities occasionally arrested journalists and civil society activists accused of factual inaccuracies in reporting. For example, several civil society activists shared a letter purportedly from the Ministry of Defense to a Russian government official. The Ministry of Defense claimed the letter was falsified. Authorities arrested the activists but later released them.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists stated they did not practice self-censorship but admitted some topics, such as birth control, were taboo. Independent media outlets tended to wait for state-run media to report on high-profile security matters before covering these matters. Opposition journalists sometimes encountered pressure from authorities concerning reporting critical of the government.

Due to the states of emergency in the Diffa, Tillaberi, and Tahoua Regions, authorities prohibited media from reporting on security situations without government authorization and sometimes restricted movement within those regions.

Libel/Slander Laws: The government used defamation provisions in the cybercrime law to retaliate against journalists. The cybercrime law criminalizes “blackmail,” propagation of “fake news,” “defamatory writings,” “hate speech,” and “libel.”

The government prosecuted two journalists on defamation charges for the publication of the findings of a Global Initiative Against Transnational Crime alleging government-seized illicit drugs were “reacquired” by drug traffickers. The two were sentenced to one-month and two-month suspended jail terms.

National Security: The declaration of the state of emergency in Diffa, Tillaberi, and Tahoua Regions grants the government special authority over media for security reasons. Responding to an increased rate of terrorist attacks, the government continued to extend the state of emergency in these regions on a rolling three-month basis through National Assembly approval.

Internet Freedom

The government occasionally restricted access to the internet and reportedly monitored online content. Some critics continued to assert the cybercrime law aimed to silence social media and prevent journalists and bloggers from expressing their views, particularly since authorities were also increasing restrictions on the traditional press.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

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

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 NGOs of being “putschist” 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 and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected 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 parts of Dosso Region as a security measure against terrorist groups active in the region.

e. Protection of Refugees

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and civil society NGOs in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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

Abuse of Migrants and Refugees: There were reports immigration and security service members demanded bribes from migrants. Refugees in the Diffa, Tillaberi, 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. Authorities did not provide adequate protection and refugees were stigmatized in some in host communities on suspicion of harboring (intentionally or unintentionally) terrorists.

Durable Solutions: Discussions continued under the tripartite agreement among UNHCR, the government, and the government of Mali regarding a legal framework for voluntary refugee repatriation when conditions in Mali become conducive to sustainable settlement. The parties considered conditions in parts of northern Mali unconducive to large-scale returns that provided for safety and dignity, and return was not promoted. In June 2021 IDPs returned to several locations in Diffa; however, many returnees were displaced again due to lack of services, insecurity, or both. In March some refugees returned to Nigeria in an effort organized by government and local officials. The government cooperated with UNHCR and the International Organization for Migration on a repatriation program (the Emergency Transit Mechanism) that assisted migrants from North Africa to return to their countries of origin.

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

f. Status and Treatment of Internally Displaced Persons

As of August the UNHCR estimated there were 347,648 IDPs in the country.

IDPs resided mainly in out-of-camp settings in the Diffa, Tillaberi, Tahoua, and Maradi Regions. IDPs in the Diffa, Tillaberi, and Tahoua Regions were vulnerable to armed attacks and intimidation; IDPs particularly suffered from terrorists operating close to the Malian and Burkina Faso borders in the Tillaberi and Tahoua Regions. In the Diffa Region, there were 120,673 IDPs and approximately 35,491 returned citizens from Nigeria displaced by Boko Haram and ISIS-WA violence. As of August, UNHCR reported 167,744 IDPs in the Tillaberi and Tahoua Regions displaced by violence. Insecurity in the Maradi Region also caused a sharp increase in IDPs to 18,990. Some members of host communities stigmatized IDPs, suspecting them of harboring terrorist elements.

Conflict between farmers and herders in northern Tillaberi Region regarding land usage, combined with banditry and attacks by terrorist groups, also resulted in population displacement.

The government worked with foreign donors and international aid organizations and NGOs to supply displaced populations and host communities with shelter, food, water, and other necessities. The law provides for the protection of and assistance to persons fleeing violence, floods, drought, and other disasters, which primarily benefited IDPs.

Following a returns policy announced by the president in June, the government promoted the return of IDPs in the Diffa and Tillaberi Regions, but some in the human rights community expressed concerns regarding the security situation in these areas and a lack of NGO access.

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: International and domestic observers found the first round of the presidential election in 2020 to be peaceful, free, fair, transparent, and inclusive. Nearly 70 percent of registered voters participated. Mohamed Bazoum of the ruling Nigerien Party for Democracy and Socialism finished first with 39.3 percent of the vote. Opposition candidate Mahamane Ousman of the Democratic and Republic Renewal Party finished second with 16.9 percent. In February a second round between the two candidates occurred, and Bazoum won with approximately 56 percent of the vote. Observers considered the second round of voting to be equally peaceful, free, fair, transparent, and inclusive. In legislative elections conducted in tandem with the first round of the presidential election, the ruling party won 79 of 171 seats, the ruling coalition won 127 seats, and various opposition parties won the remaining seats. International and local observers found the legislative elections to be equally peaceful, free, fair, transparent, and inclusive.

Political Parties and Political Participation: The government intermittently interfered with opposition political party activities and limited opposition access to state media, despite Superior Communications Council decisions offering free and equitable access to all parties. Irregularities included a lack of campaign finance regulations, greatly benefiting the better-resourced ruling coalition, and the ruling coalition's greater access to and illegal use of public funds.

In 2020 the Constitutional Court ruled opposition leader Hama Amadou ineligible to run for the presidency. Authorities also determined other candidates were ineligible. Critics alleged the determinations of ineligibility were unfounded and politically motivated to prevent opposition candidates from challenging the ruling coalition.

Participation of Women and Members of Minority Groups: No law limits the participation of women and members of minorities in the political process, and they participated.

Certain 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 conviction of corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were several reports of government corruption.

Corruption: Civil servants often demanded bribes in exchange for public services. A poorly trained civil service 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 a lack of civic education. The government anticorruption agency, the High Authority for the Fight against Corruption and Related Offenses (HALCIA) actively investigated official corruption and made several official reports that led to legal action by the government, including arrests and prosecutions. Presidential control of HALCIA’s budget, however, limited HALCIA’s independence and ability to investigate allegations.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The National Human Rights Commission 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 serves as the government ombudsman, including on some human rights topics. The mediator and the National Human Rights Commission operated without government interference, although they often failed to carry out their work effectively.

The independent National Commission for the Coordination of the Fight against Trafficking in Persons serves as the coordinating body for the National Agency for the Fight against Trafficking in Persons and the Illegal Transport of Migrants. The commission was effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape; it does not specify the gender of victims. The law was rarely enforced. Conviction of rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the survivor. If there is a familial relationship between the perpetrator and the survivor, aggravating circumstances apply to the sentencing. Rape was a widespread problem, and stigmatization of survivors continued. The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Cultural views discounted spousal rape. The law does not explicitly prohibit domestic violence, and local NGOs reported violence against women was widespread. Husbands commonly beat their wives.

A woman may sue her husband or file criminal charges for battery. Penalties for conviction range from two months in prison and a token fine to 30 years' imprisonment. The government tried with limited success to enforce this law, and courts prosecuted cases of domestic violence when they received complaints.

Survivors often sought to deal with rape within the family or were pressured to do so, and many survivors did not report spousal rape due to fear of retribution, including loss of economic support. 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.

In April 2021 members of a Chadian battalion deployed in Tera in the Tillaberi Region as a part of the G5 Sahel Joint Force operation allegedly raped a girl, age 11, and two women. Chadian military authorities arrested the alleged perpetrators and transferred them to Chad for further investigation.

Female Genital Mutilation/Cutting (FGM)/C): The law prohibits FGM/C of girls and women. The government did not enforce the law effectively. FGM/C estimates from a 2012 *Demographic and Health Survey* and UNICEF's *Multiple Indicator Cluster Surveys*, combined with data from the 2017 *UN World Population Prospects*, estimated the prevalence of the practice to be 8.5 percent among girls and women.

Sexual Harassment: Conviction of 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 survivor, the prison sentence is three months to one year and the fine doubled. The government did not effectively enforce the law.

Sexual harassment was widespread. Cultural attitudes influenced 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 the NGO SOS-Woman Child Victims of Domestic Violence estimated eight of 10 young women or girl workers in small shops faced sexual harassment, but only two in 10 reported it. Poverty made women especially vulnerable to harassment in the workplace.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Barriers that impeded access to sexual and reproductive health services included limited access to family planning, lack of education in contraceptive methods, and lack of other health services including emergency services (less than one-half of the population lived within three miles of a public health-care facility).

Due to a shortage of skilled health professionals, unequal distribution of health workers between urban and rural areas, lack of clean water in health centers, 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 labor complications and came too late to clinics for assisted deliveries. Reports of deaths, serious complications from these clinic deliveries, and the high cost of health services further dissuaded families from using clinics. It was unclear whether the government provided access to sexual and reproductive health services including emergency contraception 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 pregnancy, hemorrhage and severe postpartum infections, malnutrition, and lack of access to emergency obstetric care.

The UN Population Fund estimated 18 percent of women ages 15 to 49 used a modern method of contraception.

According to a survey conducted by the National Center for Biotechnology Information on skilled birth attendance (SBA), less than one half of women obtained SBA. Women in rural areas were less likely to seek SBA. Women who had health insurance and those who had four or more antenatal care visits generally sought SBA. Only 17 percent of women obtained SBA, while most others gave birth at home assisted by a traditional birth attendant. The head of UNICEF Niger's *Maternal Health Program* stated, "even if there were more doctors and hospitals, women would most likely not go. Due to culture, they prefer to give birth at home."

According to the Ministry of Health, 14,000 women die annually from pregnancy-related causes. Others suffer from injuries or infection, some of which result in permanent disabilities. Approximately 80 percent of women marry by 18 and 40 percent marry before 15. Childbirth at these ages accounts for the high maternal mortality rate. A woman's lifetime risk of dying due to pregnancy and childbirth complications was 14 percent.

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. 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, collecting water and woolgathering, 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 little access to education and early marriage was common. They were underrepresented in school and employment. According to the UN 2019 *Human Development Index Report*, only 4.3 percent of adult women reached a secondary level of education, compared to 8.9 percent of men. Less than 70 percent of women were in the labor market, compared to approximately 100 percent of men. Women were restricted from employment in certain jobs, including limitations on working in occupations deemed dangerous.

Systemic Racial or Ethnic Violence and Discrimination

The constitution forbids discrimination based on race, gender, ethnicity, political affiliation, disability, or religion. The government made some efforts to enforce the law but was limited by insufficient oversight of police and security forces and insufficient investigative mechanisms.

Members of the Boudouma minority in the Diffa Region and the Fulani minority in the Tillaberi Region faced governmental and societal discrimination due to a widespread perception 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 Fulanis in raids and intentionally avoiding Fulani areas during recruitment efforts.

Children

Birth Registration: Children derive citizenship from a citizen parent. Birth registration, especially in remote rural areas and in nomadic communities, did not

take place promptly due to lack of awareness and distance from government services. Although not done on a discriminatory basis, the government's failure to register births sometimes resulted in citizens' reduced access to some services.

Education: Although the law provides for compulsory and free education for all children ages four to 18, compulsory education was not enforced. Many parents kept young girls at home to work; 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 therefore contributed to low attendance rates. For those who were in school, boys' primary school completion rate in 2019 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 conviction of child abuse. Authorities made efforts to enforce the law and combat child abuse.

Child, Early, and Forced Marriage: By law a girl age 15 deemed to be "sufficiently mature" may be married. Some families entered into marriage agreements under which they sent rural girls ages 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.

The law prohibits *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 slavery victims, often sold at ages seven to 12 (see section 7.b.). They performed manual labor for the household and were compelled to provide sexual services. This practice was concentrated in a specific region in the center of the country. No statistics on its practice were available. There have been no reported prosecutions for this offense since 2019.

The Ministry of Women's Promotion and Children's Protection cooperated with women's groups to sensitize traditional chiefs and religious leaders in rural communities to some of the problems that result from early marriage.

Sexual Exploitation of Children: The law criminalizes the use, sale, or offering of a child for the purpose of commercial sex; however, commercial sexual exploitation of children continued to be a problem. 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 child younger than 18 for the purpose of exploitation shall be considered an act of trafficking in persons.

The law prohibits child pornography and related practices.

Girls reportedly continued to be transported for commercial sexual exploitation along the main east-west highway, particularly between the cities of Birni n’Konni and Zinder along the border with Nigeria.

Infanticide, Including Infanticide of Children with Disabilities: The law prohibits infanticide, and the government prosecuted offenders. Infanticide regularly occurred, including infants with disabilities, and a sizeable proportion of women and girls in prison was convicted of this crime, often committed to hide pregnancies out of wedlock.

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

Antisemitism

There was no significant Jewish community, and there were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Although no laws criminalize adult consensual same-sex sexual conduct, an “unnatural act” with a person younger than age 21 of the same sex is a criminal offense. The penal code does not acknowledge the existence of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons.

Violence against LGBTQI+ Persons: There were no reports of violence against individuals based on their sexual orientation or gender identity.

Discrimination: The law prohibits discrimination against LGBTQI+ persons in such areas as housing, employment, and access to government services. Nevertheless, gay men and lesbians experienced societal discrimination and social resentment. They were sidelined from religious events and not considered as valid and legal representatives of communities or families in wedding ceremonies.

Availability of Legal Gender Recognition: Legal gender recognition is not available in the country. It faces fierce political opposition in the National Assembly. For example, in December the speaker of the National Assembly urged the government to take drastic measures against LGBTQI+ persons.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices targeting LGBTQI+ persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ associations reportedly conducted their activities secretly, in part because they were not officially registered. There was strong societal stigma against LGBTQI+ persons based on sexual orientation, gender identity, or sex characteristics.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities. The law defines 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 the law. For example, regulations require 5 percent of civil servants be persons with disabilities; the government in 2017 employed slightly less than 1 percent.

Persons with disabilities have access to health services but rarely to education, public buildings, or transportation on an equal basis with others. The national health system provides lifelong free medical care to persons with disabilities. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The law mandates new government buildings be accessible to persons with disabilities, but the law was not enforced.

According to the Federation for Handicapped Persons, social stigma regarding disabilities resulted in neglect and occasional infanticide. A high percentage of persons with disabilities were forced by their families into a life of begging. Authorities sometimes investigated or punished those responsible for violence or abuses against persons with disabilities.

Children with disabilities have the legal right to attend school but faced difficulties, including a shortage of special education professionals, a lack of adapted instruction materials, and a lack of flexibility in the testing system. For example, the lack of professional sign language interpreters precluded deaf children from attending school.

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

Other Societal Violence or Discrimination

There continued to be serious stigma associated with being the descendant or former victim of slavery. According to an NGO, separate schools and facilities are constructed in rural areas for children of former victims of slavery because social norms prevented their education alongside other children. Former victims of slavery, particularly women, faced social stigma and were often relocated following their release from bondage.

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 has 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 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 from employers. The law does not specifically prohibit or penalize antiunion discrimination or require reinstatement for workers dismissed for union activity. There are limitations on the law's applicability to public service employees.

Government application of laws in the public and private sectors varied, but the laws were largely enforced in formal sectors. Penalties for conviction of 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 that 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. Informal workers in some urban areas formed trade unions or small cooperatives, such as in permanent local markets selling food and household goods. For example, Marché 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, market vendors held unobstructed local strikes to protest tax increases 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 prohibits and criminalizes all forms of forced labor, including slavery, practices similar to slavery, and exploitative begging. The government did not effectively enforce these laws, however. Penalties were rarely enforced.

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 2020 the High Court reaffirmed the illegality of *wahaya*, the selling of girls as young as age seven into forced marriages, a traditional practice that perpetuated hereditary slavery. Enforcement of the law, however, was ineffective, particularly in rural areas where the practice was prevalent.

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 victims of forced labor were characteristically young (age 17 on average) and predominantly male (62.5 percent), although adult victims were also identified. Poverty, substandard living conditions, and lack of opportunity were reasons victims remained in jobs under conditions of forced labor.

The Tuareg, Zarma, Fulani, Toubou, and Arab ethnic minorities throughout the country, and 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, but some estimates placed this number as high as 800,000. In Zarma/Songhai communities, social stigma against hereditary slavery victims' descendants interfered with their right to marry freely, own property, practice independent farming or other economic activity, or participate in politics.

Forced child labor occurred. Thousands of boys as young as age 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.).

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

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 <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 law 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, sickle cell anemia, HIV-positive status, or other communicable disease. The law prescribes fines for persons engaging in discrimination, 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 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 did not have adequate staff to investigate reports of violations, and penalties were less than those for other violations of civil rights. Penalties were never applied against violators.

Discrimination in employment and occupation occurred with respect to gender and disability. Women reported that gender discrimination is common, and employers used religious texts stating, “men provide all that their families and wives need,” to justify discrimination in hiring and pay. The government requires companies to hire a minimum of 5 percent of individuals with disabilities; however, the government did not enforce the law effectively. The government does not publish information on gender pay gap, but civil society organizations made credible reports men received higher pay than women for equal work, and that discrimination prevented women from equal access to land and resources. Although the law of inheritances requires fair distribution of land and resources from a deceased parent to all children, judges sometimes applied a different formula in practice, distributing two thirds share to male beneficiaries and one third to female beneficiaries. Workplace access for persons with disabilities remained a problem. The descendants of hereditary slavery victims also faced discrimination in employment and occupation.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law 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 increased 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 law calls for a maximum eight hours of overtime per week, but this was not enforced. Penalties for wage and hour violations were less than those for similar crimes, such as fraud.

Occupational Safety and Health: The law establishes occupational safety and health (OSH) standards that were up to date and appropriate for the main industries. It extends labor inspectors' enforcement authority regarding these standards and provides for sanctions, including a mandatory appearance before labor inspectors for resolving health and safety 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. 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, including 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 percentage of miners 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 government reported the Ministry of Labor and Civil Service responded to reports of work-related accidents and required affected employees be compensated as required by law. The ministry did not release data on workplace accidents.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Civil Service is responsible for enforcing labor laws. The ministry 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. The number of inspectors responsible for enforcing the law was not sufficient to enforce compliance and monetary sanctions were not commensurate with those for similar crimes. Penalties were never applied against violators. The nonunionized subsistence agricultural and small trading sectors, where the law applies but was not enforced, employed approximately 90 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.

Informal Sector: Approximately 90 percent of workers were in the informal sector, with subsistence crop agriculture, animal husbandry, small trading, and artisanal trade dominating the labor market. The 10 percent of workers in the formal sector were mainly civil servants, teachers, and employees of state-owned corporations like utilities and industrial mines. Although labor laws purportedly applied to informal-sector and part-time workers, the government did not enforce the law outside the formal sector. The government did not conduct inspections or enforce labor laws in rural areas.

Although the constitution provides that the social protections of old age pensions, work accident payments, and health care apply to all workers, informal workers were unable to meet the administrative requirements and lack mechanisms to pay the voluntary contributions to subscribe. Program regulations do not mention informal workers or specify them to be eligible.