

# Niger 2023 Human Rights Report

## Executive Summary

There were significant negative changes in the human rights situation in Niger during the year. On July 26, the National Council for Safeguarding the Homeland, a group of military officers, overthrew President Mohamed Bazoum, whose tenure marked the first peaceful transfer of power between elected civilian presidents. The group dissolved the 2010 constitution and appointed a cabinet led by a civilian prime minister under a military council that ruled by decrees and ordinances while conducting a national dialogue to decide the transitional period and draft a new constitution. The military council took steps to enhance some civil liberties, including freedom of assembly by permitting demonstrations that had been prohibited under the Bazoum administration, but prohibited all political party activities.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, and physical abuses; unlawful recruitment or use of children in armed conflict by nonstate groups; serious restrictions on freedom of expression and media

freedom, including unjustified arrests or prosecutions of journalists, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, child, early, and forced marriage, and other forms of such violence; and existence of the worst forms of child labor.

Prior to the July coup d'état, the Bazoum administration took limited credible steps to identify and punish officials who may have committed human rights abuses.

Community-based armed militias, terrorist groups, armed bandit groups, smugglers, and drug and human traffickers targeted and killed civilians, committed enforced disappearances, and inflicted cruel, inhuman, or degrading treatment or punishment. Government forces battled terrorist groups, and judicial authorities made efforts to investigate and prosecute abuses committed by armed nonstate actors.

## **Section 1. Respect for the Integrity of the Person**

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

The National Human Rights Commission (CNDH), a government institution, received complaints of arbitrary and unlawful killings attributed to members of the armed forces, as well as extrajudicial executions by militias. The armed forces were accused of summarily executing persons suspected of fighting for terrorist groups in Diffa and Tillaberi 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.

## **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 dissolved constitution and law prohibited such practices, but in July the United Nations reported members of the armed forces employed them in Dosso.

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.

## **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, inadequate sanitary conditions and medical care, and occasional attacks on prisons by terrorist organizations.

**Abusive Physical Conditions:** Human rights observers stated serious overcrowding remained a widespread problem. Observers found several prisons to be at least 300 percent above capacity. For example, the prisons of Niamey and Diffa were designed to hold 445 and 100 persons, respectively, but actually held 1,451 and 432 inmates. Prisoners continued to sleep outside in the courtyard of Kollo Prison due to lack of space in the wards.

Prison deaths occurred regularly, often due to communicable disease. Food, potable water, sanitation, and medical care were inadequate, although officials allowed inmates to receive supplemental food and medicine from their families.

**Administration:** Judicial authorities and the CNDH investigated and monitored prison and detention center conditions and investigated credible allegations of mistreatment.

**Independent Monitoring:** Authorities generally granted the International Committee of the Red Cross, the United Nations Development Program, the CNDH, and human rights groups access to most prisons and detention

centers, including police station jails, and these groups conducted monitoring visits. The Bazoum administration prohibited monitoring visits to the Koutoukale Prison, which held terror suspects, and the ruling National Council for Safeguarding the Homeland (CNSP) maintained this stance after the July 26 coup d'état.

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

The dissolved constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention, with some exceptions. The government did not always observe these requirements.

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

The law required arrest warrants and prohibited detention without charge for more than 48 hours. An investigator could request a waiver for an additional 48 hours before charging an individual. By law, if the prosecutor received a case from an investigator without a charge made within the initial or additional 48 hours, dismissal was required, although this was not always respected. The law allowed individuals accused of terror-related crimes to be detained without charge for 15 days, which could be extended only once for an additional 15 days. The 15-day detention period began once the suspect's case reached authorities in Niamey; 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. The law required authorities to notify those arrested of their right to a lawyer within 24 hours of being transferred to a detention facility. Reports indicated authorities sometimes held detainees longer than legally permitted.

Authorities 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 dissolved constitution called 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. In July the United Nations reported security forces arbitrarily detained ethnic Peuhls and held them longer than the maximum 30 days prescribed by law. In Tillaberi, security forces carried out counterterrorism operations and arbitrarily arrested 150 persons, holding them as presumed terrorists.

**Pretrial Detention:** Lengthy pretrial detention continued to be a problem,

and the length of pretrial detention frequently equaled or exceeded the maximum sentence for an alleged crime. The nongovernmental organization (NGO) World Prison Brief, citing 2019 data largely from official sources and the most recent information available, reported 56 percent of the prison population were pretrial detainees. Observers believed an even larger percentage of prisoners were awaiting trial. The law provided for maximum pretrial confinement of 48 months for terrorism offenses in which the prison sentence if convicted could be a minimum of 10 years, and 24 months for conviction of less serious offenses. 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. In nonterrorism cases, civil society activists and members of opposition political parties were often subjected to abuse of their due process rights, including prolonged pretrial detention to allow prosecutors time to assemble evidence. In contrast, some high-profile detainees benefited from extended provisional release. Reports indicated judicial inefficiency, limited investigative capacity, and staff shortages contributed to lengthy pretrial detention periods.

### **e. Denial of Fair Public Trial**

Although the dissolved constitution and law provided for an independent judiciary, the executive branch sometimes interfered with the judicial process. The Bazoum administration 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. In criminal cases, judges granted provisional release pending trial to some high-profile defendants who were seldom called back for trial and had complete freedom of movement and action, including leaving the country and running as candidates in elections. Authorities generally respected court orders.

## **Trial Procedures**

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

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

## **Political Prisoners and Detainees**

The CNSP detained former President Bazoum and members of his family as part of the July coup d'état. In December the Economic Community of West Africa States Court of Justice ruled their detention was arbitrary and called for the immediate and unconditional release of Bazoum and his family.

They remained under house arrest at year's end.

The CNSP also imprisoned or held under house arrest several senior officials of Bazoum's political party, as well as members of the Bazoum administration cabinet. These individuals remained imprisoned or under house arrest at year's end.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

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

The dissolved constitution and law generally prohibited such actions, but there were exceptions. Police could conduct searches without warrants when they had a strong suspicion a house sheltered criminals or stolen property. Under state of emergency provisions in Diffa, Tahoua, and Tillaberi Regions, authorities could and did search houses at any time and for any reason. The law permitted interception of telephone calls and internet messages pursuant to terrorism and organized crime investigations, and the government used the law to monitor suspect communications.

## **i. Conflict-related Abuses**

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

**Killings:** Government personnel were accused of summarily executing persons suspected of fighting for terrorist groups in Diffa and Tillaberi Regions. Criminals and terrorist groups conducted attacks throughout the country, primarily in Diffa Region and portions of Tillaberi and southern Tahoua Regions. Many such killings, especially in Diffa and Tillaberi Regions, specifically targeted government officials, 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 borders with Burkina Faso and Mali.

**Abductions:** Terrorist groups including Boko Haram and criminal gangs kidnapped dozens of civilians, particularly in Diffa Region. Analysts suggested these kidnappings fueled increased 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:** Observers reported Boko Haram militants and, to a lesser extent, ISIS-WA affiliates targeted noncombatants, including women and children, and used violence, intimidation, and theft to terrorize communities and sustain their ranks.

**Child Soldiers:** Boko Haram and ISIS-WA 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 Diffa Region defectors' rehabilitation facility of the Goudamaria Center to suspected child soldiers captured in battle, with the government focused on transitioning them back into their communities.

**Other Conflict-related Abuse:** Boko Haram, al-Qa'ida, and ISIS-related violence displaced civilians. Civil society organizations in Diffa and Tillaberi Regions were sometimes unable to obtain 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 Maradi and Zinder

Regions. Criminality also appeared to continue with reported cases of extortion and home invasions.

Local media reported ISIS-GS and Jama'at Nasr al-Islam wal Muslimin affiliates in northern and western parts of Tillaberi Region imposed taxes on local villagers. Terrorists reportedly burned government-funded schools, telling villagers their children should not attend such schools. Terror groups reportedly collected taxes in the 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 dissolved constitution and law provided for freedom of expression, including for members of the press and other media, but prior to July 26 the Bazoum administration threatened and harassed journalists and other media practitioners, chiefly by using or threatening to use defamation statutes to curb online content it considered objectionable. Observers noted independent information was almost nonexistent in public television and radio programming, and relatively rare in privately-owned media. Authorities closely monitored and at times influenced editorial content and showed favoritism toward media outlets aligned with the government.

These outlets were sometimes compelled to provide specific coverage to the government, even outside of election periods. Some media outlets reportedly welcomed the July coup d'état and were generally not critical of the CNSP.

**Violence and Harassment:** Authorities occasionally arrested journalists and civil society activists accused of factual inaccuracies in reporting or other offenses. On September 30, nonuniformed individuals who did not identify themselves as police abducted journalist Samira Sabo from her mother's residence in the presence of her spouse. Sabo was not told by her abductors she was under arrest and detained under the law, and Judicial Police officials initially denied her arrest when asked by her family. After the family filed a formal legal complaint, the government acknowledged her arrest on charges of disseminating data likely to disturb public order and maintaining intelligence with a foreign power. The High Court of Niamey provisionally released Sabo on October 11 following her arraignment, and her case was pending at year's end.

Due to threats from jihadist groups, some radio stations were compelled to shut down operations, while others ceased operations due to a lack of journalists or presenters because they had received terrorist threats. Journalists working in conflict zones often had limited freedom to adhere to journalistic ethics but were compelled to adopt language dictated by terrorist groups.

**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 socially taboo. Independent media outlets tended to wait for state-run media to report on high-profile security matters before covering such topics. Opposition journalists sometimes encountered pressure from authorities regarding reports critical of the government. Prior to its July ouster, the Bazoum administration reportedly conducted a deliberate campaign to label media outlets as either pro- or antigovernment, resulting in a polarized media environment. This practice contributed to biased coverage and led to repercussions and threats against outlets that did not adhere to the government line. Several press organizations were forced to cease operations, while others received warnings citing alleged “lack of ethics and professionalism.”

Under a declared state of emergency in 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:** According to media sources, the Bazoum administration threatened to use defamation provisions in the cybercrime law to retaliate against journalists. The cybercrime law criminalized “blackmail,” propagation of “fake news,” “defamatory writings,” “hate

speech,” and “libel,” but there were no known reports of prosecutions during the year.

**National Security:** The government’s declaration of a state of emergency in Diffa, Tillaberi, and Tahoua Regions granted it special authority over media on security grounds. 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 with National Assembly approval.

## **Internet Freedom**

The government occasionally restricted access to the internet and reportedly monitored online content.

## **b. Freedoms of Peaceful Assembly and Association**

Both the Bazoum administration and the CNSP frequently restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Although the dissolved constitution and law provided for freedom of assembly, police under the Bazoum administration sometimes forcibly dispersed demonstrators. The Bazoum administration claimed authority to prohibit gatherings under tense social conditions or if organizers did not provide 48-hour advance notice, and it granted only one protest permit

prior to its July ouster. The CNSP permitted some demonstrations after the coup.

## **Freedom of Association**

The dissolved constitution and law provided for freedom of association, and the Bazoum administration generally respected this freedom prior to its ouster. The CNSP prohibited all political party activities after the coup.

### **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 dissolved constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the Bazoum administration generally respected these rights. After the coup, the CNSP issued a decree that canceled personal and diplomatic passports belonging to officials of Bazoum's political party, which impacted their ability to travel.

**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 Office of 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. The CNSP repealed a 2015 law that criminalized transportation of migrants through the country and released those convicted under the law. On August 31, the CNSP suspended activities and movements of UNHCR personnel and other international organizations in areas where military operations were taking place.

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

**Abuse of Refugees and Asylum Seekers:** Refugees in Diffa, Tillaberi, and Tahoua Regions were vulnerable to armed attacks. In 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 host communities on suspicion of harboring terrorists.

**Durable Solutions:** The government cooperated with UNHCR and the International Organization for Migration on a repatriation program that assisted sub-Saharan migrants expelled or fleeing 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. More than 35,000 asylum seekers requested temporary protection.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

As of August, UNHCR estimated there were 335,000 IDPs residing mainly in out-of-camp settings in Diffa, Tillaberi, Tahoua, and Maradi Regions. Many IDPs were vulnerable to armed attacks and intimidation, particularly by terrorists operating close to the Mali and Burkina Faso borders in Tillaberi and Tahoua Regions. 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 provided for the protection of and assistance to persons fleeing violence, floods, drought, and other disasters, which primarily benefited IDPs.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

## **Section 3. Freedom to Participate in the Political Process**

The dissolved constitution and law provided 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**

**Abuses or Irregularities in Recent Elections:** Prior to the July 26 coup, opposition parties alleged that national elections had abuses and irregularities. The most recent election, June polling by the diaspora community to choose legislators, was challenged by a claim of electoral fraud. At year's end, the CNSP had not conducted or announced a date for national elections.

**Political Parties and Political Participation:** The CNSP did not permit

political party activity after the July 26 coup. Prior to that time, the Bazoum administration 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 that greatly benefited the better-resourced ruling coalition, and the ruling coalition's greater access to and allegedly unlawful use of public funds. The law did not permit political parties based on ethnicity, religion, or region.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** In Zarma/Songhai communities, social stigma against the descendants of hereditary slavery victims interfered with their right to participate in politics (see section 6, Other Societal Violence or Discrimination).

## **Section 4. Corruption in Government**

Although the law prescribed criminal penalties for conviction of corruption by officials, the Bazoum administration did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were several reports of government corruption. After the July coup, the CNSP prioritized anti-corruption efforts and took steps to investigate malfeasance and recover illegally acquired or misappropriated public property.

**Corruption:** There were reports 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.

Under former president Bazoum, the government anti-corruption agency made limited progress combatting corruption. The CNSP established a body to focus on recovering stolen public property and funds and increased personnel for anti-corruption investigations and prosecutions.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

Several domestic and international human rights groups operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat

cooperative and responsive to their views, although some Bazoum administration officials accused human rights NGOs of being “putschist” intending to overthrow the government.

**Government Human Rights Bodies:** Under the Bazoum administration, the CNDH was responsible for investigating and monitoring a wide variety of human rights topics, including prison and detention center conditions and allegations of torture. On October 5, the CNSP dissolved the Office of the Mediator of the Republic that served as the government ombudsperson, including on some human rights topics, but retained CNDH staff. Prior to the July coup, the mediator and the CNDH operated without government interference, although they often failed to carry out their work effectively.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalized rape regardless of gender. Conviction of rape was punishable by 10 to 30 years in prison, depending on the circumstances and age of the survivor. If there was a familial relationship between the perpetrator and the survivor, aggravating circumstances applied at sentencing. The law was rarely enforced. Rape was a widespread problem, and stigmatization of survivors continued. The law did not explicitly recognize spousal rape, and authorities seldom prosecuted it. Cultural views discounted spousal rape.

The law did not explicitly prohibit domestic violence, and local NGOs reported violence against women was widespread. Husbands commonly beat their wives. A woman could sue her husband or file criminal charges for battery. Penalties for conviction ranged 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 structure or were pressured to do so, and many survivors did not report spousal rape due to fear of reprisal, including loss of economic support. Charges stemming from family disputes often were dropped in favor of traditional dispute resolution mechanisms. While women had the right to seek redress for violence in customary or formal courts, few did so due to ignorance of the law and fear of spousal or familial repudiation, further violence, or stigmatization.

**Female Genital Mutilation/Cutting (FGM)/C):** The law prohibited FGM/C of girls and women. The government did not enforce the law effectively. FGM/C estimates from the most recent available data – 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.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment

was widespread. Cultural attitudes influenced women's perception of what constituted 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 particularly vulnerable to harassment in the workplace.

**Discrimination:** Although the dissolved constitution provided for equal legal status and rights regardless of sex, women did not have the same rights as men under family law. In customary law, legal rights as head of household typically applied only to men. Customary law did not consider a divorced or widowed woman, even with children, to be a head of household.

Discrimination was reportedly worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, collecting water, woolgathering, and other work. In the absence of a formal will stating otherwise, a daughter's share of a deceased parent's property was half the size of a son's share. Women had little access to education and early marriage was common.

Gender discrimination in employment and occupation was reportedly common. Women were underrepresented in employment and were restricted from certain jobs, including limitations on working in occupations deemed dangerous. Women reported employers used religious texts stating

“men provide all that their families and wives need” to justify discrimination in hiring and pay. The government did not publish information on a gender pay gap, but civil society organizations reported that men received higher pay than women for equal work and that discrimination prevented women from equal access to land and resources.

**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 regarding contraceptive methods, and lack of other health services, including emergency services. Less than half of the population lived within three miles of a public health-care facility. The UN Population Fund estimated 18 percent of women ages 15 to 49 used a modern method of contraception.

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 clinic deliveries, and the high cost of health services further dissuaded families from using clinics.

Government health facilities provided medical services to survivors of sexual violence. The UN Population Fund supplied such facilities with emergency contraception and postexposure prophylaxis for use in the clinical management of rape, but the kits were sometimes unavailable due to supply chain gaps.

The World Health Organization reported the maternal mortality ratio in 2017 was 509 per 100,000 live births. According to the Ministry of Health, 14,000 women died annually from pregnancy-related causes. Others suffered from injuries or infection, some of which resulted in permanent disabilities. Childbirth at younger ages contributed to the high maternal mortality rate. A woman's lifetime risk of dying due to pregnancy and childbirth complications was 14 percent. 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.

According to a survey conducted by the National Center for Biotechnology Information, fewer than half of women respondents had obtained skilled birth attendance. Women in rural areas were less likely to seek such attendance and many women gave birth at home.

## **Systemic Racial or Ethnic Violence and Discrimination**

The dissolved constitution prohibited discrimination based on race,

ethnicity, 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 Diffa Region and the Fulani minority in Tillaberi Region faced governmental and societal discrimination due to a widespread perception the two groups supported or facilitated terrorist activities. Hereditary and caste-based slavery practices perpetuated by politically influential tribal leaders continued in Tillaberi and Tahoua Regions, as well as along the border with Nigeria. Concerns regarding escalation of anti-Fulani prejudice continued. There were also unconfirmed reports of security forces targeting Fulanis in raids and intentionally avoiding Fulani areas during recruitment efforts.

## Children

**Birth Registration:** Birth registration, especially in remote rural areas and in nomadic communities, often did not take place promptly due to lack of awareness and distance from government services. The government's failure to register births sometimes resulted in reduced access to some services.

**Education:** Many parents kept young girls at home to work; girls rarely attended school for more than a few years. 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 prescribed penalties for conviction of child abuse, and authorities made ineffective 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" could be married. The government did not enforce the law effectively. Some rural families entered into marriage agreements under which they sent girls 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.

The law prohibited *wahaya*, a practice whereby some men were able to buy or to be gifted with a "fifth wife." These unofficial wives (Islam allowed a maximum of four wives) were usually the daughters of hereditary slavery victims, often sold at ages seven to 12. They performed manual labor for the household and were compelled to provide sexual services. This practice was concentrated in a specific rural region in the center of the country, and no statistics on its practice were available. In 2020 the High Court reaffirmed the illegality of *wahaya*. Enforcement of the law, however, was ineffective, particularly in the area where the practice was prevalent. There

were no reported prosecutions for this offense since 2019.

The CNSP's government did not include a Ministry of Women's Promotion and Children's Protection. At year's end, it was unclear which ministry was responsible for matters regarding women and children.

**Sexual Exploitation of Children:** The law criminalized the use, sale, grooming, or offering of a child for the purpose of commercial sex. The law provided that "exploitation shall include, at minimum, slavery or practices similar to slavery" and added that the recruitment, transport, transfer, harboring, or receiving of a child younger than 18 for the purpose of exploitation was considered an act of trafficking in persons. The law prohibited child pornography and related practices.

The law was not enforced effectively, and child sex trafficking continued to be a problem. Girls were reportedly transported for sex trafficking along the main east-west highway, particularly between the cities of Birni n'Konni and Zinder along the border with Nigeria. The minimum age for consensual sex was 13 for both boys and girls.

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

## Antisemitism

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

## 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:** The penal code did not acknowledge the existence of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. No laws expressly criminalized same-sex sexual conduct, although an “unnatural act” performed with a person younger than age 21 was a rarely prosecuted criminal offense.

**Violence and Harassment:** There was a societal pattern of discrimination against LGBTQI+ persons, although no official reports of violence were available.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex

characteristics in areas such as housing, employment, and access to government services. Nevertheless, gay men and lesbians experienced societal discrimination. They were sidelined from religious events and excluded as valid or legal representatives of communities or families in wedding ceremonies.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of involuntary or coercive medical or psychological practices targeting LGBTQI+ persons. There were no reports of medically unnecessary and irreversible “normalization” surgeries performed on children or on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** Strong societal stigma against LGBTQI+ persons based on sexual orientation, gender identity, or sex characteristics compelled LGBTQI+ persons and associations to conduct any activities in secret.

## **Persons with Disabilities**

Persons with disabilities had access to health services but rarely to education, public buildings, or transportation on an equal basis with others. There were no specific regulations in place mandating accessibility to buildings, transportation, and education for persons with disabilities. The

law mandated new government buildings be accessible to persons with disabilities, but the law was not enforced. The national health system provided lifelong free medical care to persons with disabilities. The government reportedly provided limited information on disability concerns in accessible formats.

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.

The dissolved constitution and law prohibited discrimination against persons with disabilities. The government made limited efforts to enforce the law. Regulations required 5 percent of civil servants be persons with disabilities; according to the most recent available data, the government in 2017 employed slightly less than 1 percent.

Children with disabilities had 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.

Workplace access for persons with disabilities remained a problem. The law

did not contain clear provisions regarding the voting process for persons with disabilities.

## **Other Societal Violence or Discrimination**

There was serious stigma associated with former victims of slavery and their descendants. According to an NGO, separate schools and facilities were 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. In Zarma/Songhai communities, social stigma against hereditary slavery victims' descendants interfered with their right to marry freely, own property, and practice independent farming or other economic activity. Descendants of hereditary slavery victims also faced discrimination in employment and occupation, as well as political marginalization.

In November lawyers representing 260 persons who were under threat of eviction by landowners to whom their ancestors were previously enslaved won a case before the Economic Community of West African States Court of Justice. The court chided the government for its failure to protect descendants of hereditary slavery victims and ordered it to pay reparations to the plaintiffs.

## Section 7. Worker Rights

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

As a result of the July coup, the status of labor laws and protections for workers was unclear at year's end. The dissolved constitution and labor code provided for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. The law provided for freedom of association, but the government did not adopt implementing regulations to enforce the law. While there were no provisions that limited collective bargaining in nonessential services, provisions restricted 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 were permitted to work (although there were limits on the hours and type of work) but were not permitted to join unions.

The right to strike excluded police and other security forces. The law restricted 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 defined strategic and essential services that required 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 involved requiring civil servants to report to work during a legally notified strike. There were no prohibitions on strikes in nonessential services. Workers were required to give employers at least three days' advance notice of intent to strike. The government could call for mandatory arbitration in lieu of a strike.

The law allowed unions to conduct their activities without interference from employers. The law did not specifically prohibit or penalize antiunion discrimination or require reinstatement for workers dismissed for union activity. There were 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 included imprisonment and fines; these penalties were generally commensurate with those for other laws involving violations of civil rights.

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.

Union members had planned to hold elections in September but postponed them due to the coup.

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

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/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The status of wage and hour law was unclear following the coup. The law established a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages were 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 was 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, including private security guards, domestic workers, and drivers. The law provided special arrangements regarding the mining and oil sectors whereby the Ministry of Labor and Civil Service could 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 could work for two weeks beyond normal work hours, in compensation for which they were entitled to two weeks' rest. Employers were required to provide premium pay for overtime, although the law did not set a specific rate; employees of each enterprise or government agency negotiated with their employer to set the rate. The law called 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 coup disrupted all health and safety programs in the workplace. The law established occupational safety and health (OSH) standards that were appropriate for the main industries. It extended labor inspectors' enforcement authority regarding these standards and provided for sanctions, including a mandatory appearance before labor inspectors for resolving health and safety disputes. By law all workers could remove themselves from situations that endangered health or safety without jeopardy to their employment. Nevertheless, authorities did not effectively protect workers in such situations. Abuses of provisions

governing 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 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 was responsible for enforcing labor laws but was unable to operate normally after the July coup. 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 had the authority to make unannounced

inspections but did 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.

Approximately 90 percent of workers were in the informal sector. Although labor laws purportedly applied to informal sector and part-time workers, the government did not enforce the law outside the formal sector.