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**STATUS OF HUMAN RIGHTS IN NIGER
FOR THE 38TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ hold Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human trafficking and the persecution of Christians in Niger for the 38th Session of the Universal Periodic Review (UPR).

Background

2. Niger is home to more than 23 million people. It is a predominately Muslim country with over 99% of the country identifying as Muslim and only 0.03% identifying as Christian¹. Despite constitutional provisions that clearly state that every person has the right to freedom of thought, of opinion, of expression, of conscious, of religion and of worship, Niger was recently ranked by a human right watch group as the 50th worst place in the world for Christians to live². That ranking partially stems from an active radical Islamic group who regularly targets, threatens, and even attacks Christians for practicing their faith.

3. Niger's previous UPR review was held on 16 January 2015. As a result of that review, Niger received a total of 168 recommendations, out of which "accepted 164 recommendations, deferred 3 and took note of 1[.]" and later accepted the three deferred recommendations³. According to the previous UPR report, seven recommendations were made by countries regarding actions Niger needed to take to combat human trafficking⁴. These recommendations included adopting draft laws on human trafficking, accelerating implementation of new legislation, adopting a national plan, and strengthening existing measures to control human trafficking⁵.

4. Numerous countries expressed concern over human trafficking and forced marriages within the country noting that Niger should "[b]an by law early and forced marriage as well as the practice of Wahaya"⁶. Within Niger it is legally permissible for men to have up to four wives. A wahaya is a girl or woman who is sold into sex and domestic slavery and serves as a "fifth wife". These girls and women lack the same legal protections that traditional wives are afforded⁷. In addition, the United States' recommendation stated:

Implement standard procedures to identify victims of human trafficking, establish a referral mechanism to facilitate the provision of protective services for them and dedicate financial or in-kind support to NGOs providing services to victims⁸.

5. Furthermore, it was recommended that Niger "[t]ake the necessary measures to protect the victims of Boko Haram and the terrorist groups, in particular children"⁹.

6. While actions have been taken to improve governmental measures addressing the prosecution of the traffickers, further efforts still need to be made to respond to areas of concern regarding victims of human trafficking. In addition, rather than recognizing the significant problems that Christians in Niger are facing, Niger has yet to take action since its previous UPR cycle to protect the rights and freedoms of Christians in Niger.

Legal Framework

7. Niger's Constitution protects human life and guarantees respect for it. Article 11 states that: "The human person is sacred. The State has the absolute obligation to respect it and protect it."¹⁰

8. In addition, Niger's Constitution provides protection against slavery and human trafficking in Article 14, and punishment is enforced against any person committing such acts:

No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse [sévices] or treatments.

Any individual, any agent of the State, who is found guilty [se rendre coupable] of acts of torture or of cruel, inhuman or degrading abuse or treatments in the exercise of or on the occasion of the exercise of their functions, either on his own initiative or under instructions, will be punished according to the law¹¹.

9. The language in Article 14 prohibits the act of human trafficking and demonstrates the measures Niger has enacted to protect victims of human trafficking. At this time, however, the government is not enforcing these measures, and the victims are suffering as a result.

10. Furthermore, article 30 of Niger's Constitution guarantees freedom of religion including the right to free exercise of worship and expression of beliefs:

- (1) Any person has the right to freedom of thought, of opinion, of expression, of conscience, of religion and of worship.
- (2) The State guarantees the free exercise of worship and the expression of beliefs.
- (3) These rights are exercised with respect for public order, for social peace and for national unity¹².

11. The language of this article gives every citizen of Niger the right to express their religious beliefs without restrictions or persecution. However, subsection 3 states that the rights given here must be exercised in a way that respects public order, social peace, and national unity. The Islamic group, Boko Haram, and other radical groups are disrupting the social peace by persecuting Christians.

12. In June 2019, Niger's National Assembly approved a law requiring religious freedom to be practiced in accordance with "public order and moral good."¹³ The law grants the government a right to oversee the facilities and funding of religious groups and has led to some pushback from the community, including denouncement by a prominent Muslim leader that resulted in his arrest and destructive anti-Christian protests¹⁴.

13. Niger is also as a party to the International Convention on Civil and Political Rights (ICCPR). As a result, Niger has a responsibility to uphold the principles established within it. Article 23 of the ICCPR states:

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. State Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provisions shall be made for the necessary protection of any children¹⁵.

14. Additionally, under article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice¹⁶.

15. Although Niger has taken some steps to align its society with the protections guaranteed to Christians in its Constitution, Christians are still being persecuted. This continued persecution shows that Niger is not abiding by the religious freedom standards set by its Constitution and by its commitment to international treaties. As such, Niger should take immediate action to protect Christians within its borders.

Human Trafficking in Niger

16. In Niger, human trafficking continues to be a serious concern. Boys and girls are trafficked to perform forced labour, and many girls are taken from poor families to become wahayas or “fifth wives.” Under Islam, men are permitted to have up to four wives, however men sometimes circumvent this by taking additional girls and women to serve as unofficial wives who are far too often used as domestic and sexual slaves¹⁷.

17. Hadizatou Mani was sold to a man to serve as wahaya at the age of 12 for \$418. Over a decade later, she was able to escape from that situation; however, when she married someone else, her former owner took her to court and accused her of bigamy. An initial ruling by a court found in favor of her owner. She then appealed that court ruling, and in April of 2019 the Niger Court of Appeals ruled that her first marriage was not legal and stated that “all ‘fifth wife’ marriages are illegal”¹⁸. Furthermore, the court stated, “[t]his custom . . . is contrary to the laws of the republic and the international conventions ratified by Niger”¹⁹.

18. In January 2020, Police in Niger rescued 232 victims from human trafficking²⁰. Forty-six of the victims were under the age of eighteen. More than 100 officers were sent to various hotspots in Naimey to arrest eighteen people who were charge with human trafficking. Of the forty-six children who were rescued, thirty-seven girls were forced into sexual exploitation, and others were forced to beg at markets and stations. The victims were treated and received protective services. Jürgen Stock, INTERPOL Secretary General, stated, “[w]hether it’s children, men or women, traffickers show little regard for the health and well-being of victims[;] they are simply a commodity to make money”²¹. He further stated it is essential to make sure those who are rescued are protected both throughout the police process and when they return to their lives.

19. As part of that same operation, police officers from the Special Investigations Division of the Directorate of Territorial Surveillance raided a house and found 115 men who had been trapped by traffickers²². The victims stated they were taken to a compound and were forced to stay when their travel documents were confiscated. These men were lured to the compound by the promise of “decent work” from an internet ad²³.

20. These are just a few examples of the instances of human trafficking seen in Niger. While it is encouraging that Niger has been able to rescue some victims of human trafficking within Niger, stricter laws need to be implemented to punish human traffickers and provide relief for the victims. Victim identification services are also important to assist in returning a victim to their family or providing other forms of appropriate help.

Religious Persecution in Niger

21. Persecution of Christians is a growing problem in Niger. While the Constitution guarantees freedom of religion, Christians are being persecuted for their faith. The increase in radical Islamic groups, such as Boko Haram, is threatening the freedom of Christians and is making it dangerous for them to freely practice their faith.

22. On 2 March 2019, Muslim Fulani herdsmen raided a school in Maruba, Shiroro County and abducted missionaries²⁴. The last of the missionaries were slowly released by the herdsmen, ending 52 days after the initial abduction.

23. On 12 April 2019, Muslim Fulani herdsmen from northwest Nigeria killed 12 Christians and kidnapped a couple from their church wedding ceremony taking place in Niger state’s Shiroro County²⁵. During the wedding, the herdsmen stormed the church and captured everyone who was unable to escape, including the bride and groom. In addition to that incident, five Christians were killed by the herdsmen in the same village.

24. On 17 June 2019, it was reported that a fire was set to the Church of the Assembly of God²⁶ as an act of retaliation by protestors who opposed the arrest of a Muslim leader for speaking out against the recently passed religion law²⁷. Barricades were placed in the roads and fires were set by the protestors.

25. On 19 October 2019, the village of Bomoanga on the border of Niger was vandalized by Jihadists²⁸. The target of the vandalism was a missionary school, and a priest of the Society of African Missions said, “government forces seem unable to stop this destructive wave”²⁹ These attacks on schools impact the lives of children who are most dependent on those

facilities. The children come from the poorest in the country, and such attacks affect their right to an education.

26. These are but a few examples of the escalating persecution and violence against Christians that is occurring in Niger as a result of a lack of governmental action to protect religious freedom of all forms. Laws should be enforced to protect the rights of Christians and restrict the violent acts of radical groups. In addition, the assembly laws need to be modified to allow Christians to more easily practice their faith together in Niger.

Conclusion

27. The 38th Working Group on the UPR must address continuing human trafficking issues in Niger and urge the government to take additional actions to provide relief to the victims. Niger has committed in its Constitution to combat trafficking and protect the lives of its citizens. The Nigerien government must work to ensure that its Constitution and laws effectively protect people from becoming trafficked and protect victims and those who have been rescued. The citizens of Niger should be able to live without fear of human trafficking, and the victims should be provided with the necessary resources and aid to successfully move forward from being trafficked.

28. In addition, the 38th Working Group on the UPR must address the ongoing egregious violations of religious freedom and urge the government of Niger to control violent extremism related to religion and to amplify voices of religious tolerance. Niger has committed, in its own Constitution, to allow for freedom of religion. Thus, the Nigerien government must work to ensure that its Constitution and domestic law truly protect the human right to religious freedom of all of its citizens. Further, the Nigerien government must not discriminate against its citizens, and must ensure that Christians are able to practice their religion with other Christians without fear of violating the law. Christians and other religious practitioners should be able to practice their faith openly and freely without being attacked or having their place of worship destroyed.

¹ The World Factbook, *Niger*, CENT. INTEL. AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/ng.html> (last visited Sept. 16, 2020).

² *World Watch List: Niger*, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/niger/> (last visited 29 Sept. 2020).

³ Report of the Working Group on the Universal Period Review: Niger, A/HRC/32/5/Add.1 (17 June 2016), <https://undocs.org/A/HRC/32/5/Add.1>.

⁴ *2RP: Responses to Recommendations & Voluntary Pledges, Niger*, UPR-INFO.ORG, https://www.upr-info.org/sites/default/files/document/niger/session_24_-_janvier_2016/recommendations_and_pledges_niger_2016.pdf (last visited 29 Sept. 2020).

⁵ *Id.*

⁶ Report of the Working Group on the Universal Period Review: Niger, A/HRC/32/5, ¶ 120.38 (12 Apr. 2016), <https://undocs.org/A/HRC/32/5>.

⁷ Sarah Matheson, *Child Bride or Slave? The Girls in Niger Who Are Both*, GIRLS NOT BRIDES (2 Dec. 2012), <https://www.girlsnotbrides.org/child-bride-or-slave-the-girls-in-niger-who-are-both/>.

⁸ *Id.*

⁹ Report of the Working Group on the Universal Period Review: Niger, A/HRC/32/5, ¶ 120.54 (12 Apr. 2016), <https://undocs.org/A/HRC/32/5>.

¹⁰ Constitution of Niger, art. 11, *available at* https://www.constituteproject.org/constitution/Niger_2017.pdf?lang=en.

¹¹ *Id.* art. 14.

¹² *Id.* art. 30.

¹³ DEP'T OF STATE, NIGER 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1, 4–5 (2019) <https://www.state.gov/wp-content/uploads/2020/05/NIGER-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

¹⁴ *Id.*

¹⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 art. 23.

¹⁶ *Id.* art. 18.

¹⁷ Nellie Peyton, *No More “Fifth Wife” Sex Slaves and Maids, Niger’s Top Court Rules*, REUTERS (20 Mar. 2019, 10:49 AM), <https://www.reuters.com/article/us-niger-slavery-court/no-more-fifth-wife-sex-slaves-and-maids-nigers-top-court-rules-idUSKCN1R11TE>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Niger: Police rescue 232 victims of human trafficking*, INTERPOL, <https://www.interpol.int/en/News-and-Events/News/2020/Niger-Police-rescue-232-victims-of-human-trafficking> (last visited July 2, 2020).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Couple Abducted from Wedding in Attacks in Northwest Nigeria that Kill 12 Christians*, MORNING STAR NEWS (29 Apr. 2020), <https://morningstarnews.org/2020/04/couple-abducted-from-wedding-in-attacks-in-northwest-nigeria-that-kill-12-christians/>.

²⁶ Francesca Merlo, *Niger: Protestors Set Fire to Christian Church*, VATICAN NEWS (17 June 2019, 3:50 PM), <https://www.vaticannews.va/en/world/news/2019-06/church-niger-protests-fire-muslim-imam-arrest.html>.

²⁷ DEP’T OF STATE, NIGER 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1, 4–5 (2019) <https://www.state.gov/wp-content/uploads/2020/05/NIGER-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

²⁸ *Mission Schools Attacked in Niger*, VATICAN NEWS (21 Oct. 2019, 4:56 PM), <https://www.vaticannews.va/en/world/news/2019-10/niger-mission-schools-jihadist-attack.html>.

²⁹ *Id.*