



Réseau Ouest Africain des
Défenseurs des Droits Humains



West African Human Rights
Defenders Network



The Republic of Niger

Joint Submission to the UN Universal Periodic Review

38th Session of the UPR Working Group

15 October 2020

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General
Consultative Status with ECOSOC

And

Réseau Ouest Africain des Défenseurs des Droits Humains (West African
Human Rights Defenders Network)

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 190 countries.
- 1.2 The West African Human Rights Defenders Network (WAHRDN/ROADDH) is a CSO that works to promote the work of human rights defenders (HRDs). It is made up of national coalitions of human rights and individual focal points. It has Observer Status at the African Commission on Human and Peoples Rights' (ACHPR) and is a member of the Executive Committee of the NGO Forum at the ACHPR.
- 1.3 The Nigerien Network of Human Rights Defenders (RNDDH) is the Nigerien Section of the West African Network of Human Rights Defenders. RNDDH specializes in the Defense, protection and promotion of human rights defenders and as such cooperate and dialogue with United Nations treaty bodies, the Universal Periodic Review (UPR) and the African Commission on Human and People's Rights.
- 1.4 In this document, CIVICUS, WAHRDN/ROADDH and RNDDH/NHRDN examine the Government of the Republic of Niger's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the Government of Niger's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and the unwarranted restrictions on HRDs, bloggers and online activists since its previous UPR examination in January 2016. To this end, we assess Niger's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.5 During the 2nd UPR cycle, the government of Niger received 20 recommendations relating to the space for civil society (civic space). All 20 of these recommendations were accepted. However, an evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission, as well as consultations with HRDs and experts, demonstrate that the Government of Niger has partially implemented only three recommendations relating to civic space and not fully implemented 17. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, and acute gaps in implementation were found with regard to protecting the rights to the freedoms of association, peaceful assembly and expression and the persecution of HRDs.
- 1.6 In recent years, the security situation in Niger has degenerated due to the incursions by insurgent groups in the north of the country and within the Sahel region. In addition, civic space restrictions and the arrests and judicial persecution of HRDs

increased in 2020 ahead of presidential elections scheduled for the end of the year. Some of the laws promulgated by the government in recent years supposedly to guarantee the security of the state are used to curtail fundamental freedoms.

- 1.7** We are deeply concerned by the fact that the Nigerien authorities subject HRDs and journalists to arbitrary arrests and judicial persecution for reporting on corruption and human rights violations and calling for more accountability from the government. The Nigerien authorities continue to use restrictive legislation, including the 2019 Cyber Crimes Law, to target HRDs, journalists and bloggers who are critical of government actions. Over the last four years, several journalists, bloggers and HRDs have been handed jail terms and accused of inciting violence simply for posting information about restrictions imposed on fundamental freedoms on social media.

- 1.8** We are further alarmed by incessant restrictions on public assemblies and the targeting of peaceful protesters. The authorities often impose bans on protests during periods when demonstrations are organised by civil society to highlight concerns over issues affecting Nigeriens. Some of the bans are imposed at short notice, sometimes 24 hours before planned protests, making it difficult for protesters to be aware of the bans. The authorities also use brute force to disperse most demonstrations when they take place and arrest and detain leaders of CSOs and social movements. Over the last year, the authorities have particularly restricted protests that exposed corruption and subjected protesters, HRDs and journalists who express concerns over this to judicial persecution and arbitrarily detention.

- 1.9** As a result of these issues, civic space in Niger is currently classified as ‘obstructed’ by the CIVICUS Monitor and is on the current CIVICUS Monitor Watch List, highlighted that there is a serious and rapid decline in respect for civic space.¹
 - Section 2 of this submission examines Niger’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs and civil society activists.
 - Section 3 examines Niger’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and journalists.
 - Section 4 examines Niger’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.

¹ CIVICUS Monitor: Niger, <https://monitor.civicus.org/country/niger>.

- Section 5 examines Niger’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 6 makes recommendations to address the concerns listed.
- An annex lists the implementation of recommendations received by Niger during the 2nd UPR cycle that are referenced in this submission.

2. Harassment, intimidation and attacks against human rights defenders and civil society activists

- 2.1** Under Niger’s previous UPR examination, the government received and accepted eight recommendations related to the protection of HRDs. For instance the government committed to protecting HRDs and ensuring that they are able to carry out their work free from harassment and intimidation.² It also agreed to take firm measures to ensure that HRDs and peaceful activists are free to enjoy their fundamental rights of the freedoms of association and expression. However, as indicated below, the Government of Niger has partially implemented only two of the eight recommendations.
- 2.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The International Covenant on Civil and Political Rights (ICCPR), to which Niger is a state party, guarantees the protection of the rights of HRDs. Despite these guarantees, HRDs are frequently subjected to arbitrary arrests, judicial persecution and detention for their human rights activities.
- 2.3** On 9 April 2020, Ali Idrissa, a human rights defender and national coordinator of the Réseau des Organisations pour la Transparence et l'Analyse Budgétaire (Network of Organisations for Transparency and the Budgetary Analysis) and Publish What You Pay Niger, was detained after he was summoned by the judicial police.³ He had been accused by a former military chief of staff of defamation in relation to a case of corruption in the purchase of military equipment. He was charged under the 2019 Cyber Crimes Law for defamation and released on bail on 14 April 2020. He has been subjected to arbitrary detentions and arrests in the past for his human rights activities and his calls for transparency and accountability in the extractive sector in Niger.

² ‘Report of the Working Group on the Universal Periodic Review, Niger’, UN Human Rights Council, 12 April 2016, https://www.upr-info.org/sites/default/files/document/niger/session_24_-_january_2016/a-hrc-32-5-e.pdf.

³ ‘Niger – PWYP Africa Steering Committee strongly condemns the arrest and charges brought against Ali Idrissa amid unrelenting crackdown on civil society’, Publish What you Pay, 16 April 2020, <https://www.pwyp.org/pwyp-news/niger-pwyp-asc-condemns-arrest-charges-against-ali-idrissa>.

- 2.4** On 25 March 2018, Ali Idrissa and fellow HRDs Lirwana Abdourahmane, Nouhou Arzika and Moussa Tchangari were arrested at different times and different locations for a protest organised by CSOs against the 2018 Finance Law, even though they did not participate in the protest.⁴ They were charged with organising and participating in a prohibited demonstration, complicity in violence and destruction of property.⁵ Moussa Tchangari is a journalist and secretary of the CSO Alternative Espace Citoyens or Alternative Citizen Space; Nouhou Arzika is president of Mouvement patriotique pour une citoyenneté responsable or Patriotic Movement for Responsible Citizenship - (MPCR) and Lirwana Abdourahmane is a member of MPCR. After spending four months in detention, the High Court in Niamey handed them a three-year suspended sentence on 24 July 2018.
- 2.5** On 15 March 2020, HRDs Halidou Mounkaila, Moudi Moussa and Maikoul Zodi were arrested after organising protests asking for accountability at the Ministry of Defence. They were charged with organising an unauthorised gathering, arson and complicity in damaging public property.⁶ The protests were organised against the misappropriation of funds at the Ministry of Defence. Protests were violently dispersed and at least three people were killed.⁷ Halidou Mounkaila is a leader of Syndicat national des agents contractuels et fonctionnaires de l'éducation de base (SYNACEB), or the National Union of Contractual Agents and Civil Servants of Basic Education - a trade union, Moudi Moussa is a trade unionist and journalist and Maikoul Zodi is the national coordinator of the social movement Tournons La Page. The protests were organised despite a government ban on public gatherings imposed by the authorities in response to the COVID-19 pandemic. After six months in detention all three HRDs were released on bail on 29 and 30 September 2020 but the charges against them remain.⁸
- 2.6** On 18 April 2018, HRD Sadat Illiya was arrested in the city of Zinder after posting information on social media about protests against the Finance Law.⁹ Even though he was arrested before the protests began, he was charged with participating in an “insurrection movement and conspiring against the security of the state.” In May 2018, a judge ruled that he should be released because of insufficient evidence but a

⁴ ‘HRDs given three-month suspended prison sentences’, CIVICUS Monitor, 26 July 2018,

<https://monitor.civicus.org/updates/2018/07/26/niger-three-months-suspended-prison-sentence-HRDS>.

⁵ ‘Le Niger sous Issoufou: contester la Loi de Finances conduit en prison’, Le Journal des Alternatives, 3 June 2018, <https://journal.alternatives.ca/Le-Niger-sous-Issoufou-contester-la-loi-de-Finances-conduit-en-prison>.

⁶ ‘Eight HRDs arrested and prosecuted for protesting against corruption’, CIVICUS Monitor, 6 April 2020, <https://monitor.civicus.org/updates/2020/04/06/eight-HRDS-arrested-prosecuted-protest-against-corruption>.

⁷ ‘Société civile : pas de liberté Provisoire pour Maikoul Zodi, Moudi Moussa and Moukaila Halidou’, Niamey.com, 7 July 2020, <http://news.aniamey.com/h/98636.html>.

⁸ ‘PWYP members in Niger finally released: now charges must be dropped’, Publish What you Pay, <https://www.pwyp.org/country/niger>.

⁹ ‘Niger : release of activists must signal end to repression of dissenting voices’, Business and Human Rights Resource Centre, 24 July 2018, <https://www.business-humanrights.org/en/latest-news/niger-release-of-activists-must-signal-end-to-repression-of-dissenting-voices>.

prosecutor appealed the ruling and Sadat remained in jail. On 20 November 2019 he was finally released after 19 months in detention.¹⁰ Sadat is the coordinator of the Mouvement patriotique pour une citoyenneté.

- 2.7** On 14 May 2017, HRD Insar Abdiurahmane was arrested and charged with inciting violence in Agadez after posting comments on Facebook in which he expressed concerns over the restrictions on civil society following a ban on protests.¹¹ He was convicted on 8 June 2017 on charges of inciting public violence and handed a six-month suspended sentence.¹² Insar is a member of the Association of Action for Democracy and Human Rights.

3. Freedom of expression, independence of the media and access to information

- 3.1** Under the 2nd UPR cycle, Niger received and accepted three recommendations relating to the freedom of expression, protection of journalists and access to information. For instance, the government pledged to guarantee full respect for the right to freedom of expression and media freedom by preventing all harassment and undue detention of journalists and civil society activists.¹³ It also committed to respect the freedoms of association and expression both online and offline, particularly leading up to elections, and release political detainees. All the recommendations received were supported. However, as discussed below, the government has only partially implemented one of these recommendations.
- 3.2** The Constitution of Niger provides guarantees of the freedom of expression. It states that any person has the right to freedom of thought, opinion, expression and of religion and worship. In 2010, Niger adopted a Press Law that eliminates prison terms for media offences and reduced threats for libel cases. Despite these guarantees, the freedom of expression and media freedoms are restricted in Niger. Journalists are sometimes subjected to violence when they cover protests and are also arbitrarily arrested and detained for their critical reporting, while independent media outlets have on occasion been shut down by the authorities.
- 3.3** On 29 May 2020, the National Assembly adopted the Intercepting Electronic Communications Law relating to security threats. The political opposition boycotted the vote out of concern that the law threatens free speech and privacy. Even though

¹⁰ 'Niger: Liberation of Sadat Illiya Dan Malam, Civil Society Activist, ACAT, 22 November 2019, <https://www.acatfrance.fr/bonne-nouvelle/niger---liberation-sadat-illiya-dan-malam--militant-de-la-societe-civile>.

¹¹ 'Critical voices arrested and protests prohibited in Niger', CIVICUS Monitor, 23 June 2017, <https://monitor.civicus.org/updates/2017/06/23/authorities-suppress-critical-voices-ban-protest-niger>.

¹² 'Un défenseur des droits de l'homme condamné à six mois de prison avec sursis pour incitation à la violence', Business and Human Rights Resource Centre, 8 July 2017, <https://www.business-humanrights.org/fr/derni%C3%A8res-actualit%C3%A9s/niger-un-d%C3%A9fenseur-des-droits-de-lhomme-condamn%C3%A9-%C3%A0-six-mois-de-prison-avec-sursis-pour-incitation-%C3%A0-la-violence>.

¹³ UN Human Rights Council, 12 April 2016, op. cit.

the law was adopted in the context of security threats posed by militarised groups in the Sahel region, as well as the fight against terrorism and organised crime, there are serious concerns that the law violates human rights principles as it provides the Nigerien authorities with broad powers to intercept communications. In addition there are concerns that the representatives of the committee set up to monitor the interception of communications, the Commission for Oversight of Communication Interception, are all appointed by members of the presidential cabinet. The law also requires service providers, network operators and government officials to cooperate with operations geared towards intercepting communications. Civil society groups and the political opposition have criticised the law for the broad powers given to the authorities to intercept communications and are concerned that the law has been adopted in a context where similar laws and policies have been used to target critics of the regime under the pretext of preserving state security and national unity.

- 3.4** In 2019, Niger adopted a new law on cybercrimes, Loi Cybercriminalite Niger, which has since been used to target journalists, bloggers and civil society activists. The law makes it a criminal offence to production and share data that may disturb public order or threaten human dignity. Those found guilty of sharing information likely to disturb public order are liable to a fine of between 1,000,000 CFA Francs (approx. US\$2,000) and 5,000,000 CFA Francs (approx. US\$10,000) or a prison sentence of between six months and three years. According to the government, the objective of the law is to regulate the use of digital technologies. The government argued the law is necessary in light of the abusive behaviour observed in the use of digital technologies that constitute a threat to the state. However, since it was adopted, the law has been used to target HRDs and journalists who simply express concerns over issues affecting citizens such as corruption or human rights violations.
- 3.5** On 12 July 2020, Ali Soumana, editor of Le Courrier newspaper, was arrested and detained after publishing an article on social media about corruption in the Ministry of Defence.¹⁴ He was accused of publishing ‘false information’ and detained for two days before appearing in Court on 14 July 2020 and being released on bail. He is a member of the Norbert Zongo Cell for Investigative Journalism in West Africa and has been a victim of judicial persecution and harassment in the past.¹⁵ In July 2017, he was arrested and detained for two months on charges of ‘violating judicial confidentiality’ after he published information indicating that an arrest warrant had been issued for an individual who was in a dispute with the state.¹⁶ His house and office were searched by security forces and thereafter the charge was changed to

¹⁴ ‘Journalist Ali Soumana detained over Facebook publication in Niger’, Media Foundation for West Africa, 17 July 2020, <https://www.mfwa.org/country-highlights/police-detain-journalist-over-facebook-publication-the-second-such-detention-under-nigers-cybercrime-law-in-32-days>.

¹⁵ ‘Niger: RSF Déploire “Un grave recul” De La liberté de la Presse’, Africa Radio, 16 July 2020, <https://www.africaradio.com/news/niger-rsf-deploire-un-grave-recul-de-la-liberte-de-la-presse-170410>.

¹⁶ ‘Two journalists face ongoing judicial harassment in Niger’, CIVICUS Monitor, 22 August 2017, <https://monitor.civicus.org/updates/2017/08/22/judicial-harassment-two-journalists-niger>.

'obtaining judicial documents through fraudulent means' under the Penal Code. He was released on 11 September 2017 by the High Court.

- 3.6** On 10 June 2020, journalist and blogger Samira Sabou was arrested and charged with 'defamation by electronic means of communication' after posting information on Facebook about the findings of an audit that revealed misappropriation of funds in the purchase of military equipment by the Minister of Defence. She was arrested after the son of the President of Niger filed a defamation complaint against her and was charged under the 2019 Cyber Crimes Law.¹⁷ On 28 July 2020, she was acquitted by the High Court, which ruled that the offence against her could not be established.¹⁸ Sabou is president of the Association of Bloggers for Active Citizenship and manages the Mides-Niger website. In October 2017, she was dismissed from her position as a temporary worker for the Le Sahel newspaper after she posted a picture on Facebook in which she appeared to mimic President Mahamadou Issoufou. The Le Sahel Newspaper is managed by the National Office for Publishing and the Press. A tribunal subsequently found that the dismissal had violated her rights and ordered the Le Sahel to pay her a compensation fee to the tune of 2,640,000 CFA Francs (approx. US\$5,000). In December 2018, Samira and three members of the Steering Committee of the Association of Bloggers for Active Citizenship were interrogated by the authorities after they put in a request to obtain authorisation for the Association to operate legally in Niger.
- 3.7** On 5 March 2020, journalist Kaka Touda was arrested at his home in Niamey over social media posts he released about a suspected case of COVID-19 at the General Reference Hospital. He was arrested after the hospital filed a complaint against him with the authorities accusing him of threatening public order by posting information on social media.¹⁹ The hospital reported that after his social media post, people refused to go to the hospital for fear of contracting the virus. He was charged with disseminating data which could disrupt public order under the Cyber Crimes Law. Touda was detained at Niamey's Civil Prison.²⁰ He was handed a three-month jail sentence and ordered to pay a symbolic 1 CFA Franc in compensation and was released on 26 March 2020 after spending three weeks in detention.
- 3.8** On 25 March 2018, the authorities in Niger closed down private broadcasting outlet Radio-TV Labari after the station broadcast an interview with an activist about anti-

¹⁷ 'NIGER: Libérer sans condition la journaliste et blogueuse Samira Sabou', Article 19, 27 July 2020, <https://www.article19.org/fr/resources/niger-liberer-sans-condition-la-journaliste-et-blogueuse-samira-sabou>.

¹⁸ 'Journalist Samira Sabou acquitted, one HRD released while three others linger in prison', CIVICUS Monitor, 8 August 2020, <https://monitor.civicus.org/updates/2020/08/08/journalist-samira-sabou-acquitted-one-HRD-released-while-three-HRDs-linger-in-prison>.

¹⁹ CIVICUS Monitor, 6 April 2020, op. cit.

²⁰ Ibid.

Budget Law demonstrations that took place that same day.²¹ Following the broadcast of the interview during the evening news programme slot, a police officer visited the station premises and demanded to see copies of the news programme that was broadcast that evening of the broadcast and a recording of the interview with the activist.²² When he was informed that only the media regulatory authority, the High Council for Communication, had the right to request for that information, the police shut down the station. Members of the National Guard were stationed in front of the premises preventing anyone from having access. The High Court in Niamey later ruled that the closure of Radio-TV Labari was illegal and ordered the state to pay the station 10,000,000 CFA Francs (approx. US\$18,000) in damages.²³ The Court also ordered the state to withdraw the members of the National Guard deployed at the station.

- 3.9** On 3 April 2017, journalist Baba Alpha of Bonferey TV was arrested and accused of ‘forging’ documents to obtain Nigerien citizenship. He was sentenced to two years in prison, fined 300,000 CFA Francs (approx. US\$600) and temporarily stripped of his citizenship.²⁴ Alpha is a well-known critic of the Nigerien regime and serves as the secretary general of the Communications Trade Union - Syndicat national des agents de l’information et de la communication. In April 2018 he was released from jail but immediately deported to Mali. Shortly before he was released and deported, he was presented with an Order from the Ministry of Interior confirming his deportation on the grounds that he posed a threat to national security.

4. Freedom of association

- 4.1** During Niger’s examination under the 2nd UPR cycle, the government received and accepted four recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to respect and fully guarantee the rights of the freedoms of association, peaceful assembly and expression in the context of measures undertaken to respond to violent extremism and terrorism. However, as evidenced below, the government has not implemented any of these recommendations.

²¹ ‘Déclaration du Forum des Editeurs Africains sur la situation de la fermeture de la Radio et Télévision LABARI’, Niger Diaspora, 27 March 2018, <https://nigerdiaspora.net/index.php/societe/3680-declaration-du-forum-des-editeurs-africains-sur-la-situation-de-la-fermeture-de-la-radio-et-television-labari>.

²² ‘Niger/Fermeture de la TV et Radio Labari, reaction des Réaction des éditeurs de la presse africaine’, Niamey.com, 28 March 2018, <http://news.aniamey.com/h/84990.html>.

²³ ‘Niger : l’Etat condamné à verser 15.000 Euros à une télévision (avocat)’, AfricanNews, 25 July 2019, <https://fr.africanews.com/2019/07/25/niger-l-etat-condamne-a-verser-15000-euros-a-une-television-avocat>.

²⁴ ‘Arrest and Detention of Baba Alpha: Reminiscing Six Months of a Journalist’s Ordeal’, Media Foundation for West Africa, 3 October 2017, <https://www.mfwa.org/arrest-and-detention-baba-alpha-reminiscing-six-months-of-a-journalists-ordeal>.

4.2 Article 32 of the Constitution of Niger guarantees the freedom of association. It states that the state recognises and guarantees the freedoms of association, assembly, procession and manifestation within conditions defined by the law. The conflict in the Sahel and the violence perpetuated by insurgent groups has increased insecurity and has affected the operations of some CSOs and humanitarian aid groups. On 26 April 2019, unidentified individuals attacked the offices of Médecins Sans Frontières (MSF) in Diffa. A staff member was injured during the attack, MSF offices were damaged and four vehicles were set ablaze. The perpetrators of the attacks could not be identified, and MSF temporarily suspended its activities to ascertain the security situation. A few months later MSF closed its offices due to increased security concerns. In addition, in June 2017, the Minister of Community Development revealed plans to create a regulatory system that would subject collaboration with foreign CSOs to more rigorous reporting processes.

5. Freedom of peaceful assembly

5.1 During Niger's examination under the 2nd UPR cycle, the Government of Niger received and accepted recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to taking steps to open prompt, impartial, thorough and effective investigations into alleged violations of international human rights law committed by law enforcement agencies. However, as evidenced below, the government has not implemented any of the recommendations.

5.2 The Constitution of Niger formally guarantees the right to peaceful assembly. It states that the government recognises and guarantees the freedom of movement and the freedoms of association, assembly, procession and manifestation within conditions defined by the law. However, while individuals and groups have the right to assemble within the limits of the law in practice, peaceful protests have often been forcefully dispersed by security forces.

5.3 On 15 March 2020, security forces dispersed anti-corruption protests organised by several CSOs after an audit of the Ministry of Defence revealed the misappropriation of funding designated for the purchase of military equipment. Prior to the protests, the Council of Ministers had imposed a general ban on all public assemblies that exceeded 1,000 people as part of the strategy by the government to curb the spread of COVID-19. The organisers of the protests had sent a notification to the authorities, informing them about the protests, but did not receive notice that they could not go ahead, and so the protesters proceeded with the demonstrations. On the day of the demonstration security forces were deployed at the Place de la Concertation, the designated starting point of the protest.²⁵ Between 15 and 17 March 2020, the

²⁵ CIVICUS Monitor, 6 April 2020, op. cit.

authorities arrested more than 15 HRDs and representatives of CSOs and social movements. Many of those arrested were charged with organising a banned protest, complicity to destroy public property, arson and manslaughter.

5.4 Following the adoption of a new Finance Law by the Council of Ministers on 25 September 2017, protests were organised against the law, continuing into 2018. Protesters denounced the law and complained that it would lead to an increase in the prices of basic goods and precipitate the adoption of new taxes on housing and electricity. Police used teargas to violently disperse each of the protests. In March 2018, the authorities imposed a ban on protests planned for 25 March. The protests went ahead and were violently repressed by the authorities. At least 23 protesters, including leaders of civil society, were arrested and charged with organising and participating in unauthorised protests and complicity to damage private and public property.

5.5 In May 2017, the authorities pre-emptively imposed a ban on protests planned for 10 May 2017. Although the protests had been planned long in advance by a coalition of CSOs, the organisers were informed by the authorities that the protests could not take place only the day before they were due to be held. The protests were aimed at highlighting concerns over corruption, electricity shortages and governance issues affecting citizens.²⁶ Many of the protesters reported that they were not informed about the ban, since it was introduced at such short notice, and those who gathered in the main squares in Niamey were violently attacked by a heavy deployment of security forces.²⁷ The protests were postponed and rescheduled for 20 May, but the authorities imposed a further ban against those protests. The ban was followed by the arrest and detention of HRDs Ali Idrissa (see 2.3 and 2.4) and Abdourahmane Insar (see 2.7) for expressing concerns over restrictions on the freedom of peaceful assembly and the targeting of protesters in Niger.

5.6 In April 2017, security forces used violence to disperse a protest that brought together more than 23,000 people. The protests were calling for better living conditions for students and for the scholarships that were due to students to be paid. At least one person was killed, more than 300 were arrested and 109 people injured during the protests.²⁸ The protests led to the closure of Abdou Moumouni University in Niamey. Following the death of the student, the authorities held a dialogue with students and opened an inquiry into the death of the student. The Education Minister was replaced, and four student representatives who had been

²⁶ CIVICUS Monitor, 23 June 2017, op. cit.

²⁷ 'Niger: une manifestation contre la corruption dispersée à Niamey après son interdiction par les autorités', Jeuneafrique, 10 May 2017, <https://www.jeuneafrique.com/436616/politique/niger-manifestation-contre-corruption-dispersee-a-niamey-apres-interdiction-autorites>.

²⁸ 'Victory for Nigerien students after protests', Deutsche Welle, 20 April 2017, <https://www.dw.com/en/victory-for-nigerien-students-after-protests/a-38512907>.

arrested and detained during the protests were released. This was followed by the arrests of three police officers.²⁹

6. Recommendations to the Government of Niger

- CIVICUS, WAHRDN/ROADDH and RNDDH/NHRDN call on the Government of Niger to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.
- At a minimum the state must ratify the ICCPR and ensure the following conditions are guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made.

6.1 Protection of human rights defenders and activists

- Release all HRDs still in jail in Niger and drop all charges against HRDs who are out on bail but still face charges and allow them to carry out their human rights activities without fear of reprisals.
- Recognise HRDs and civil society representatives as key actors in holding the state accountable and acknowledge their contributions towards the development of Niger.
- Ensure that all HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs when they happen.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27.31.

²⁹ 'Three Niger Police arrested after deadly student demo', Channel Africa, 17 April 2017, <http://www.channelafrica.co.za/sabc/home/channelafrica/news/details?id=2894e3f3-55d6-40ce-8a8d-e901c70b736f>.

- Complete the process of adopting the law protecting Human Rights Defenders as soon as possible.
- Submit its declaration under Article 34 (6) of the Protocol establishing the African Court on Human and Peoples' Rights allowing individuals and NGOs to have direct access to it.

6.2 Freedom of expression, independence of the media and access to information

- Amend restrictive provisions of the Loi Cybercriminalite that target journalists, bloggers and activists.
- Amend restrictive provisions of the intercepting electronic communications law.
- Ensure the freedom of expression and media freedom by bringing national legislation into line with international standards.
- Ensure that journalists and bloggers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Develop an action plan to ensure that communications laws comply with the government's commitment to guarantee the freedom of expression and information, including by ensuring free access to electronic media, liberalising electronic media ownership rules and allowing domestic bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.

6.3 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of CSOs to receive international funding, in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

- Refrain from acts leading to the closure of safe spaces for CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that places CSOs at the centre and allows and embraces diverging views, including those of HRDs, journalists, political activists and others.
- Put an end to the obstacles on the freedom of assembly, in particular by respecting the principle of declaration and not of authorization by the revision of Ordinance 84-06 of March 1, 1984 on the regime of associations

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Lift arbitrary bans on peaceful assemblies and, in line with the law, refrain from preventing peaceful protests from taking place.
- Review and, if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- Prioritise official visits by following UN Special Procedure mandate holders: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

Annex – UPR of Niger (2nd Cycle – 24th Session) – List of recommendations pertaining to civic space

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
Right or area: 3.1. Cooperation with treaty bodies			
120.60 120.60 Continue its engagement with the United Nations human rights mechanisms for the promotion and protection of human rights (Azerbaijan); Source of position: A/HRC/32/5 - Para. 120	Supported	3.1 Cooperation with treaty bodies 3.2 Cooperation with special procedures 3.3 Cooperation with other international mechanisms and institutions Affected persons: - general	Status: Not implemented Source: 2.1 , 2.2, 2.3, 2.4, 2.5, 2.6
Right or area: 5.2. Institutions & policies			
120.46 120.46 Establish an independent and specialized institution to investigate any allegations of human rights violations (Afghanistan); Source of position: A/HRC/32/5 - Para. 120	Supported	5.2 Institutions & policies - General Affected persons: - general	Status: Partially implemented Source: 5.6

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
<p>120.41 120.41 Continue its efforts to strengthen the National Human Rights Commission, in line with the Paris Principles and with full participation of the civil society (Indonesia);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>5.2 Institutions & policies - General</p> <p>7.1 Context, statistics, budget, dissemination, civil society</p> <p>Affected persons:</p> <p>- general</p>	<p>Status: partially</p> <p>Source: 5.6</p>
Right or area: 14.3. Freedom of opinion and expression			
<p>120.135 120.135 Ensures full respect for the right to freedom of expression and media freedom by preventing all harassment and undue detention of journalists and civil society activists (United Kingdom of Great Britain and Northern Ireland);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- media</p> <p>- persons deprived of their liberty</p>	<p>Status: Not implemented</p> <p>Source: 3.4, 3.5, 3.6</p>
<p>120.134 120.134 Respect and fully guarantee the rights to freedom of expression, freedom of association and freedom of assembly, in particular in the context of measures undertaken to respond to violent extremism and terrorism (Switzerland);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>14.5 Freedom of association</p> <p>20.1 Human rights & counter-terrorism</p> <p>14.4 Right to peaceful assembly</p> <p>Affected persons:</p> <p>- general</p>	<p>Status: Not implemented</p> <p>Source: 3.5, 3.6, 3.7, 3.8</p>
<p>120.136 120.136 Respect freedoms of expression and association, both online and offline, particularly leading up to this year's elections, and release political detainees (United States of America);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>14.3 Freedom of opinion and expression</p> <p>18 Right to participation in public affairs and right to vote</p> <p>14.5 Freedom of association</p> <p>Affected persons:</p> <p>- persons deprived of their liberty</p>	<p>Status: Not implemented</p> <p>Source: 3.5, 3.6, 3.7, 3.8</p>
Right or area: 15.1. Administration of justice & fair trial			

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
120.48 120.48 Consolidate the rule of law and human rights principles in the society (Iraq); Source of position: A/HRC/32/5 - Para. 120	Supported	15.1 Administration of justice & fair trial Affected persons: - general	Status: Not implemented Source: 2.2, 3.4, 3.5, 5.6
120.126 120.126 Ensure that members of the security forces who are responsible for violations of human rights are prosecuted (France); Source of position: A/HRC/32/5 - Para. 120	Supported	16 Right to an effective remedy, impunity Affected persons: - general	Status: Not implemented Source: 5.3, 5.4, 5.5
120.128 120.128 Take steps to open prompt, impartial, thorough and effective investigations into alleged violations of international human rights law committed by law enforcement agencies in order to bring all the perpetrators to justice (Ghana); Source of position: A/HRC/32/5 - Para. 120	Supported	16 Right to an effective remedy, impunity Affected persons: - general	Status: Not implemented Source: 5.3, 5.4, 5.5
120.129 120.129 Strengthen the measures aimed at ensuring the investigation and punishment of perpetrators of human rights violations, as well as the reparation of victims (Argentina); Source of position: A/HRC/32/5 - Para. 120	Supported	16 Right to an effective remedy, impunity Affected persons: - general	Status: Not implemented Source: 5.3, 5.4, 5.5
Right or area: 20.1. Human rights & counter-terrorism			
120.53 120.53 Continue to uphold and respect human rights standards and obligations as it pursues counter-terrorist operations (Philippines); Source of position: A/HRC/32/5 - Para. 120	Supported	20.1 Human rights & counter-terrorism Affected persons: - general	Status: Not implemented Source: 5.3, 5.4, 5.5
Right or area: 21. Economic, social & cultural rights – general measures of implementation			
120.50 120.50 Continue the cooperation with the international community to improve democracy and social development in accordance with human rights principles (Iraq); Source of position: A/HRC/32/5 - Para. 120	Supported	21 Economic, social & cultural rights - general measures of implementation Affected persons: - general	Status: Not implemented Source: 5.3, 5.4, 5.5

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
<p>120.30 120.30 Proceed with the internal measures necessary to comply with the obligations arising from the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>21 Economic, social & cultural rights - general measures of implementation</p> <p>Affected persons:</p> <p>- general</p>	<p>Status: Not implemented</p> <p>Source: 3.4, 5.2</p>
Right or area: 28.1. Business & human rights			
<p>120.164 120.164 Ensure that business companies, particularly those working in mining, respect the human rights, following the guiding principles on business and human rights (Switzerland).</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>28.1 Business & Human Rights</p> <p>Affected persons:</p> <p>- general</p>	<p>Status: Not implemented</p> <p>Source: 3.4, 5.2</p>
Right or area: 36. Human rights defenders			
<p>120.137 120.137 Protect human rights defenders and ensure that they are able to carry out their work free from harassment and intimidation (Germany);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>36 Human rights defenders</p> <p>Affected persons:</p> <p>- human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: 2.3, 2.4, 2.5, 2.6</p>
<p>120.138 120.138 Take steps to halt all intimidations and harassment by law enforcement officials against human rights defenders (Ghana);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>36 Human rights defenders</p> <p>Affected persons:</p> <p>- human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: 2.3, 2.4, 2.5, 2.6</p>
<p>120.139 120.139 Take firm measures to ensure that human rights defenders and peaceful activists are free to enjoy their fundamental rights of, inter alia, freedom of expression and freedom of association (Norway);</p> <p>Source of position: A/HRC/32/5 - Para. 120</p>	Supported	<p>36 Human rights defenders</p> <p>14.5 Freedom of association</p> <p>14.3 Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: 2.3, 2.4, 2.5, 2.6</p>

Recommendation	Position	Full list of rights/affected persons	Assessment/comments on level of implementation
<p>121.1 121.1 Refrain from criminalizing the legitimate activities of human rights defenders and repeal or amend all laws and policies which restrict their activities and rights, including by ensuring that anti-terrorism legislation is not misused (Netherlands);</p> <p>Source of position: A/HRC/32/5/Add.1 - Para. 18</p>	Supported	<p>36 Human rights defenders</p> <p>20.1 Human rights & counter-terrorism</p> <p>5.1 Constitutional and legislative framework</p> <p>Affected persons:</p> <p>- human rights defenders</p>	<p>Status: Not implemented</p> <p>Source: 2.3, 2.4, 2.5, 2.6</p>