



# **NIGER: CONCERNING ISSUES RELATED TO IMMIGRATION DETENTION AND THE RIGHTS OF MIGRANTS AND REFUGEES**

**SUBMISSION TO THE UNIVERSAL  
PERIODIC REVIEW**

***52<sup>nd</sup> SESSION OF THE UPR WORKING  
GROUP (APRIL/MAY 2026)***

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## **ABOUT THE GLOBAL DETENTION PROJECT (GDP)**

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

## **ABOUT ONG JMED NIGER**

ONG JMED was created by decree n° 292/MISPD AR/DGAPJ/DLP of May 14, 2013 and its areas of intervention are: migration; the fight against human trafficking; and youth promotion. Our approach is based on development and human rights and focuses on youth. Our mission is to:

- Promote the socio-economic inclusion of children and young people and defend their rights;
- Raise awareness, mobilize and strengthen the capacities of different actors and communities on migration, migrants' rights and related issues (trafficking, documents, etc);
- Combat human trafficking and assist victims.

## **ABOUT RÉSEAU MIGRATION DÉVELOPPEMENT DROITS HUMAINS (REMIDDH)**

Réseau Migration Développement Droits Humains (REMIDDH) is a coalition of civil society organisations (CSOs), NGOs and development associations in Niger, working on migration, development and human rights. It aims to foster synergies among organisations working on migration issues, to protect migrants' rights, to enable inclusive governance of migration, and to ensure that migration policies respect human rights.

## NIGER

### SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW, 52<sup>ND</sup> SESSION OF THE UPR WORKING GROUP (APRIL/MAY 2026)

### CONCERNING ISSUES RELATED TO IMMIGRATION DETENTION AND THE RIGHTS OF MIGRANTS AND REFUGEES

#### 1. INTRODUCTION

- 1.1 This submission for the fourth cycle of the Universal Periodic Review (UPR) of Niger has been prepared by the Global Detention Project, (GDP) Réseau Migration Développement Droits Humains (REMIDDH), and JMED Niger.
- 1.2 The Global Detention Project<sup>i</sup> is a nonprofit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status.
- 1.3 JMED<sup>ii</sup> is a Nigerien NGO based in Niamey, working for inclusive migration governance based on human rights and development.
- 1.4 REMIDDH<sup>iii</sup> is a network of Nigerien NGOs and associations working to protect the human rights of migrants.
- 1.5 This submission focuses on human rights concerns with respect to the treatment of migrants and asylum seekers—in particular, their vulnerability to arrest, detention and deportation.

#### 2. RECOMMENDATIONS DURING THE THIRD CYCLE

- 2.1 During the 3<sup>rd</sup> cycle of the Universal Periodic Review (48<sup>th</sup> session, September/October 2021) Niger supported several recommendations relevant to the treatment of migrants and asylum seekers, including:

##### **Treatment of migrant workers**

- **122.45** Adopt all necessary measures to amend its legislation so as to guarantee that all migrant workers and members of their families who are in its territory or under its jurisdiction, whether they are documented or not, will enjoy without discrimination the rights enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in accordance with article 1 (para. 1) and article 7 (Argentina)

##### **Trafficking in persons**

- **122.132** Strengthen the fight against trafficking in persons and smuggling of migrants, in particular by providing victims with the necessary assistance for their rehabilitation (Brazil)

##### **(General) detention conditions**

- **122.86** Improve conditions of detention, including by ensuring the separation of detainees by sex and age, and ensure that the national torture prevention mechanism is sufficiently funded (France)
- **122.88** Take urgent steps to improve the conditions of detention at police stations and gendarmerie posts (Ghana)

### 3. MIGRATION AND DETENTION CONTEXT SINCE THE THIRD CYCLE

- 3.1 Positioned at the crossroads of major migration routes, Niger has been the site of varied migration flows for generations. Large numbers of migrants travel through Niger seeking onward passage to countries like Algeria or Libya and beyond to Europe via the Mediterranean, while others seek to settle in the country, particularly in urban centres like Niamey. Niger also serves as a key host country for refugees fleeing violence and instability across the region, particularly from Mali, Nigeria, Burkina Faso, and Chad, as well as those fleeing climate-related emergencies.<sup>iv</sup> Many are accommodated in camps and settlements (like as “Opportunity Villages”<sup>v</sup>) in border areas like Diffa, Tahoua, and Tillabéri.
- 3.2 On 26 July 2023, President Mohamed Bazoum was overthrown in a *coup d’état* in which several factions of the armed forces seized power and suspended the Constitution. The fifth coup in Niger’s post-independence history, the events of July 2023 have led to significant changes to Niger’s migration landscape. Amongst these changes, in January 2025 Niger announced its withdrawal from the Economic Community of West African States (ECOWAS), whose Protocol on Free Movement of Persons, Residence, and Establishment technically enabled ECOWAS nationals to enter Niger visa-free.
- 3.3 Prior to the July 2023 coup, Niger’s strategic location made it a central focus of European Union migration “management” strategies, with substantial EU assistance allocated to the country aimed at curbing the northward movement of migrants (by way of 1.2 billion EUR in “development assistance” between 2014 and 2020 alone.<sup>vi</sup>) As well as financial aid funding the development of border control infrastructure amongst other schemes, the EU also funded and supported the delivery of capacity-building projects for Nigerien law enforcement and judicial authorities, including training in border management and anti-smuggling operations.<sup>vii</sup> Under significant pressure from the EU—and supported by European funding—Niger also enacted the controversial **2015 anti-smuggling law (Law No. 2015-36)**, which *inter alia* criminalised the facilitation of irregular migration.
- 3.4 Following the coup, however, the new military government repealed Law No. 2015-36, prompting the EU to suspend all security and migration-related cooperation with Niger. Since then, figures suggest a sharp increase in migrant flows through Niger: over 128,790 migrants were reported to have left Niger in March 2024, 68 percent more than in March 2023.<sup>viii</sup>
- 3.5 The removal of certain legal restrictions has facilitated greater mobility across Niger. However, the uptick in migration flows has been met with heightened border enforcement as well as detention and deportation operations in countries such as Algeria and Libya—with close support from European partners.<sup>ix</sup> Large groups of migrants are often expelled into Niger, often as part of “deportation convoys” wherein they are abandoned in the desert such as “Zero Point” 15km outside Assamaka. According to Alarme Phone Sahara, at least 31,404 people were deported from Algeria to the Niger border in 2024.<sup>x</sup>
- 3.6 As a result of these deportations, large numbers of deportees have been stranded in northern Niger. The IOM runs several open “transit centres” in Agadez, Niamey, Arlit, Assamaka, and Dirkou, which offer shelter, food, psychosocial support, and counselling,<sup>xi</sup> on condition of agreement to accept “voluntary return.” As of June 2025, more than 6,100 migrants were being accommodated in the IOM’s transit centres.<sup>xii</sup>
- 3.7 However, spaces in these centres are limited and with many returns having been delayed by border and airspace closures in the wake of the 2023 coup<sup>xiii</sup> and with arrivals in the area far exceeding returns, many deportees have been forced to live on the streets with no support. According to Médecins Sans Frontières, between 11

January and 3 March 2023, fewer than 15 percent of deportees were able to access shelter or protection upon arrival in Niger.<sup>xiv</sup>

- 3.8 Moreover, as the Special Rapporteur on Migrants noted in 2018: “[W]hen AVR [assisted voluntary return] is the only option available to those who have been expelled or forced to return, and no other real alternative is provided for those who do not want to sign up for it, including those who are in vulnerable situations and have been victims of multiple human rights violations, questions arise as to the genuine voluntary nature of such returns if one considers the whole journey they have gone through.”<sup>xv</sup>
- 3.9 Since 2018, UNHCR has also operated a humanitarian camp (the “Agadez Humanitarian Centre”) approximately 15km outside Agadez in partnership with Nigerien authorities, primarily hosting refugees from Sudan and other east African states. Originally, it held individuals evacuated from Libya through the Emergency Transit Mechanism who hoped to be resettled elsewhere, but today it also houses refugees and asylum seekers forcibly expelled into Niger.<sup>xvi</sup> Since 2019, numerous protests have been organised by camp residents in response to food shortages, inadequate medical care, lack of access to education, movement restrictions, and lack of resettlement opportunities. In 2025, Nigerien authorities have arrested several refugees and asylum seekers involved in organising protests in the camp, including eight in March 2025,<sup>xvii</sup> and six in August 2025.<sup>xviii</sup> While the facility is supposedly an open centre, observers have described the centre as an “open-air prison.”<sup>xix</sup>

#### 4. SUMMARY OF KEY MIGRATION-RELATED LEGISLATION

- 4.1 According to the **2010 Constitution**, “nationals of other countries shall enjoy the same rights and freedoms in the territory of the Republic of Niger as Nigerien nationals under the conditions determined by law.” However, in the wake of the 2023 coup, this Constitution was suspended, and instead **Ordinance No. 2023-02 of 28 July 2023 on the organisation of public authorities during the transition period** was adopted. The new Ordinance does not incorporate this language and instead uses much vaguer wording, leaving room for interpretation: “It ensures equality before the law for all, without distinction of sex, social, racial, ethnic, or religious origin” (Article 1).
- 4.2 In 2015, the country adopted **Law No. 2015-36 on the trafficking of migrants**, amidst pressure from the EU. Aimed ostensibly at smugglers, it impacted a broad array of activities and severely jeopardised migrants and asylum seekers by pushing them towards riskier, clandestine routes—with mortalities skyrocketing.<sup>xx</sup> The UN Special Rapporteur on Migrants noted that its implementation “has resulted in the criminalisation of all migration [north of Agadez] and has pushed migrants into hiding, which renders them more vulnerable to abuse and human rights violations.”<sup>xxi</sup> Following the 2023 Coup, however, the military junta repealed this law.
- 4.3 In 2020, authorities adopted a **National Migration Policy (NMP)** for the period 2020-2035, and its five-year action plan. Amongst its aims, the policy seeks to “contribute sustainably, through efficient management of migration-related issues, to improving the living conditions of migrants and host communities.” Although this was an important step forwards, CSOs in Niger observe that migrants continue to face violence, exploitation, and discrimination in the country.<sup>xxii</sup>
- 4.4 In 2025, Niger repealed **Ordinance No. 81-40 (1981) Relative à L’Entrée et au Séjour des Étrangers au Niger**, and instead introduced a new Ordinance which tightened entry, residency, and movement conditions for foreigners, ostensibly in an effort to “strengthen national security in the face of risks of infiltration and destabilization.”<sup>xxiii</sup> Among its provisions, the new Ordinance (**No. 2025-02 of January 13**)<sup>xxiv</sup> introduced administrative detention (Article 14); and reintroduced criminal penalties for illegal entry and stay, or failure to comply with an expulsion order

(imprisonment for up to five years and a fine of up to 50 million CFA francs) (Article 17).

- 4.5 As well as its criminalisation of irregular migration, the Ordinance has been criticised by CSOs for its provision of wide discretionary power to enforcement officers and ensuing risks of abuse. Article 12, for example, permits officers to expel anyone “likely to constitute a threat to public order or public finance,” while Article 6 prohibits migrants from undertaking some salaried and non-salaried professional activities, but does not specify which precise activities this relates to and remains to be clarified by decree.
- 4.6 The Ordinance does, however, provide exceptions for individuals seeking international protection, and upholds the principle of non-refoulement.

## 5. IMMIGRATION-RELATED DETENTION LAWS

- 5.1 Migrants, refugees, and asylum seekers in Niger face detention under both administrative procedures and criminal charges.
- 5.2 The country’s Ordinance No. 2025-02, Article 14, provides for administrative immigration-related detention, employing the French legal term for this measure “*La rétention administrative*,” which may be considered a misleading euphemism to denote deprivation of liberty.<sup>xxv</sup> However, Article 14 fails to clearly establish grounds for detention, instead stating only that this measure can be used in cases that require “a decision from migration authorities” (*La rétention administrative est une mesure prise à l’encontre d’un étranger dont la situation nécessite une décision des autorités administratives en charge de la migration*). The same article also vaguely stipulates that the conditions and procedures for these detention measures are determined by unspecified “regulatory decree” (*déterminées par voie réglementaire*)—however such a decree is yet to be introduced (and the new Ordinance repealed all previous provisions), leaving the law open for interpretation and rendering detainees vulnerable to abuse and arbitrary treatment.
- 5.3 The new law (Ordinance No. 2025-02) also provides criminal forms of immigration detention in Article 17, which stipulates that people who do not follow entry and stay laws by failing to obtain a residence permit within the allotted period of time (three months) can be subject to between two and five years of imprisonment, in addition to fines of up to 50 million francs (approximately 90,000 USD). Non-compliance with an administrative decision such as an expulsion order is also sanctioned with imprisonment and/or fines. According to the UN Working Group on Arbitrary Detention, Revised Deliberation No. 5, criminal imprisonment of people for migration infractions is a form of arbitrary detention because “the criminalization of irregular migration ... exceed the legitimate interests of States in protecting their territories and regulating irregular migration flows” (Paragraph 10).
- 5.4 Ordinance 2025-02 does not provide any specific protections for at-risk populations such as unaccompanied children, victims of torture, trafficking victims, and asylum seekers. However, **Law No. 2014-72 on juvenile courts in Niger** specifies that its provisions apply to all children without discrimination, prioritising their best interests and guaranteeing their right to life, survival, and development. It also emphasises that the “decision to incarcerate the child must only be taken if no other measure is possible and, in all cases, for the shortest possible period.” Despite the emphasis in law on avoiding the incarceration of children, UNICEF has reported significant numbers of imprisoned children (reaching a daily population of 500 in 2000, and approximately 925 in 2023), though for reasons unrelated to migration or asylum status.<sup>xxvi</sup>



## 6. DETENTION FACILITIES

- 6.1 Niger does not operate dedicated immigration detention facilities; instead, migrants, refugees, and asylum seekers can be detained in a range of facilities including border posts and police stations, as well as remand centres alongside common law prisoners.
- 6.2 Article 14 of the 2025 Ordinance provides vague legislative wording (that administrative detention is to be “carried out at border police posts or in any other center or place provided for this purpose”) which leaves considerable room for interpretation and provides broad discretion to authorities.
- 6.3 Although bodies including the UN Committee on Migrant Workers (CMW) have requested that Niger provide information on the precise facilities in which non-nationals are detained, as well as disaggregated data on the numbers detained, reasons for their detention, and their length of detention,<sup>xxvii</sup> the country has failed to disclose such information. Instead, Niger has merely noted that it “has no specific detention centres for migrants who have violated immigration law. In the event that migrants are prosecuted or convicted, they are held in the same facilities as nationals and have the same rights and obligations.”<sup>xxviii</sup>
- 6.4 Importantly, to the extent that Niger uses criminal facilities like jails or prisons for administrative immigration detention, this would indicate a violation of important international legal norms, including in particular Article 17(2) of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which stipulates that “accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons.”<sup>xxix</sup> In its 2025 Concluding Observations to the second periodic report of Niger, the CMW noted similar concerns and urged the country to ensure that “migrants in administrative detention are effectively segregated from those under criminal investigation.”<sup>xxx</sup>
- 6.5 Observers report poor detention conditions across the country, including overcrowding, insufficient supply of food, and poor hygiene. Those imprisoned on criminal grounds face prolonged detention without trial due to slow judicial procedures.
- 6.6 In its 2025 Concluding Observations, the CMW noted “with concern the consistent allegations of abusive detention of migrants without access to healthcare services or the opportunity to contact their relatives.” It subsequently recommended that the country: “Ensure, in exceptional circumstances where detention cannot be avoided, that adequate and decent conditions are provided in places of detention, including through the availability of psychosocial support.”<sup>xxxi</sup>

## 7. ABUSES AND REDRESS

- 7.1 The removal of certain legal restrictions has facilitated greater mobility across Niger. However, there have been long-standing criticisms of the treatment migrants, refugees, and asylum seekers face when transiting Niger.
- 7.2 In 2023, the Commission Nationale des Droits Humains (CNDH) noted “the continued existence of human rights violations against migrants attributed to the Defense and Security Forces (police and gendarmerie) stationed along the various routes taken by migrants and at border posts.”<sup>xxxii</sup> These violations have included arbitrary arrest and detention by state agents; racketeering; document confiscation; *refoulement* and prevention of migrants (particularly nationals of non-ECOWAS countries) entry without providing opportunity to lodge protection requests; and violence (including sexual violence). According to the CNDH, serious violations were recorded, in particular, at the Agadez exit points, the two Siguidine police and guard posts, the Tourayatt gendarmerie post, and the Dao and Madama military posts.<sup>xxxiii</sup>

- 7.3 Research conducted as part of the PROMIG project (implemented by Forum réfugiés and ONG JMED Niger between 2021 and 2023) monitoring rights violations perpetrated against migrants found that 42 percent of migrants interviewed had experienced rights violations. Most common was racketeering by authorities, most commonly the police. Nearly half (44 percent) of reported violations occurred within police stations.<sup>xxxiv xxxv</sup>
- 7.4 Many who experience violations are reluctant to seek legal redress. The PROMIG researchers found that less than 7 percent of victims sought external assistance with a view to possible legal recourse.<sup>xxxvi</sup> Key reasons for this appear to be excessive costs, lack of knowledge regarding rights for redress, lack of translators, slow legal proceedings, and migrants' fear of being blocked in their migratory journey.<sup>xxxvii</sup>

## 8. RECOMMENDATIONS

- 8.1 In light of the above information, the Global Detention Project, Réseau Migration Développement Droits Humains (REMIDDH), and JMED Niger encourage Niger to:
- Ensure that immigration detention is only used as a measure of last resort, when it is necessary and proportionate, and for the shortest period of time.
  - Review the UN Working Group on Arbitrary Detention's (WGAD) Revised Deliberation No. 5 on the deprivation of liberty of migrants as part of its efforts to ensure that its treatment of non-citizens is not arbitrary or harmful, and invite the WGAD to assist the country in reforming its immigration-related detention practices to ensure they meet the highest international standards.<sup>xxxviii</sup>
  - Decriminalise irregular entry, stay, and exit, and cease the detention of non-nationals alongside convicted criminals, as advised by the WGAD in its Revised Deliberation No. 5.
  - Clarify where non-nationals are detained and ensure access to independent monitors and observers.
  - Ensure that disaggregated data on the number of migrants who are detained and deported is made publicly available.
  - Reform Ordinance 2025-02 to decriminalise irregular entry, stay, and exit.
  - Adopt without delay the implementing decree of Ordinance 2025-02 to establish clear and transparent procedures for its, thereby preventing abuses and preventing arbitrary interpretation by immigration officials.
  - Take immediate steps to improve conditions of detention, ensuring that they meet international human rights standards including adequate access to food, water, sanitation, medical care, and protection from overcrowding.
  - Establish clear procedural safeguards—including judicial oversight, avenues for appeal, and the provision of legal assistance—to prevent arbitrary detention and expulsion.
  - Ensure that administratively detained non-nationals are confined separately to convicted nationals, and that women detainees are held separately to male detainees and are guarded by female officers.
  - Take measures to ensure that migrant victims of rights violations have effective access to justice, including by reducing the cost of legal recourse, providing information on rights and remedies in accessible languages, and providing translation and interpretation assistance.



## ENDNOTES

- <sup>i</sup> See: [www.globaldetentionproject.org](http://www.globaldetentionproject.org)
- <sup>ii</sup> See: <https://ong-jmed.org/>
- <sup>iii</sup> See: <https://www.reseau-remiddh.org/>
- <sup>iv</sup> UNHCR, “Rights Mapping and Analysis Platform – Niger,” accessed 23 September 2025, <https://rimap.unhcr.org/countries/niger>
- <sup>v</sup> See: UNHCR, “Refugees and Locals Live Side-by-Side in Niger’s ‘Opportunity Villages,’” 6 June 2023, <https://www.unhcr.org/uk/news/stories/refugees-and-locals-live-side-side-niger-s-opportunity-villages>
- <sup>vi</sup> Forced Migration Review, “The Adverse Effects of Niger’s Anti-Smuggling Law,” *FMR* 64, June 2020, <https://www.fmreview.org/issue64/moser/>
- <sup>vii</sup> Global Detention Project, “Immigration Detention in Niger: Expanding the EU-Financed Zone of Suffering Through “Penal Humanitarianism,”” March 2019, <https://www.globaldetentionproject.org/wp-content/uploads/2019/03/GDP-2019-Immigration-Detention-in-Niger-.pdf>
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- <sup>xv</sup> UN Office of the High Commissioner for Human Rights, “End of Mission Statement of the UN Special Rapporteur on the Human Rights of Migrants, Felipe González Morales, on his Visit to Niger (1-8 October 2018),” 8 October 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23698&LangID=E>
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xxxii Commission Nationale des Droits Humains (CNDH), “*Contribution de la Commission Nationale des Droits Humains (CNDH) sur la mise en œuvre de la Convention Internationale sur la protection des droits de tous les travailleurs migrants et les membres de leur famille*,” February 2023.

xxxiii REMIDDH Niger and Niger Human Rights Defenders Network, “*Rapport alternatif de la société civile sur la mise en œuvre de la convention internationale pour la protection des droits de tous les travailleurs migrants et les membres de leur famille*,” March 2025.

xxxiv This figure should be analysed with caution, as migrants who have depended on smugglers for transportation and accommodation may not wish to mention them as perpetrators of abuse for fear of compromising the rest of their journey.

xxxv Forum réfugiés, ONG JMED Niger, and REMIDDH Niger, “Projet PROMIG: Analyse de monitoring sur la situation des migrants au Niger.”

xxxvi Forum réfugiés, ONG JMED Niger, and REMIDDH Niger, “Projet PROMIG: Analyse de monitoring sur la situation des migrants au Niger.”

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xxxviii UN Working Group on Arbitrary Detention, “Revised Deliberation No. 5,” A/HRC/39/45, 2 July 2018, <https://docs.un.org/fr/A/HRC/39/45>