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**NIGER**

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## Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union, the Organization for Security and Co-operation in Europe, and the Organization of American States.
2. This report highlights the growing persecution of Christians in Niger and calls on the government to protect Christians’ free exercise of religion. It also evaluates Niger’s maternal health record and describes the interventions needed to guarantee that women can go safely through pregnancy and childbirth.

### (a) Religious Freedom

#### *Background*

3. There is no established religion in Niger. The constitution guarantees religious freedom, and the government guarantees free exercise of religion and freedom of expression.<sup>1</sup>
4. 98 percent of the population is Muslim, and less than two percent is Protestant or Roman Catholic.<sup>2</sup>
5. Niger was number 50 on the 2013 World Watch List, which ranks the top 50 countries where Christians are most persecuted.<sup>3</sup> It does not appear on the 2014 or 2015 World Watch List because problems escalated in other countries, not because the situation in Niger improved.<sup>4</sup> Christians are persecuted largely by family members and the local community.<sup>5</sup>
6. There has been a significant increase in militant Islam in Niger.<sup>6</sup> Islamic religious leaders have had increasing influence on the government, and Islamic organizations, including extremist groups, are on the rise.<sup>7</sup> There is also threat from outside Islamic extremist groups. For example, in February 2015, Nigeria’s Boko

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<sup>1</sup> U.S. STATE DEP’T, NIGER 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT 1 (2014), *available at* <http://www.state.gov/documents/organization/222293.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Mission Network News, *The 2013 World Watch List Is Out*, 8 Jan. 2013, <https://www.mnnonline.org/news/the-2013-world-watch-list-is-out/>.

<sup>4</sup> See Sarah Eekhoff Zylstra, ‘Not Forgotten’: *The Top 50 Countries Where It’s Most Difficult To Be A Christian*, CHRISTIANITY TODAY, 7 Jan. 2015, <http://www.christianitytoday.com/gleanings/2015/january/not-forgotten-top-50-countries-world-watch-list-open-doors.html>.

<sup>5</sup> Open Doors, Niger, <https://www.opendoorsmy.org/persecutedchristians/countryprofiles/niger/>.

<sup>6</sup> Sudarsan Raghavan, *Niger struggles against militant Islam*, WASH. POST, 16 Aug. 2012, [http://www.washingtonpost.com/world/niger-struggles-against-militant-islam/2012/08/16/9b712956-d7f4-11e1-98c0-31f6f55bdc4a\\_story.html](http://www.washingtonpost.com/world/niger-struggles-against-militant-islam/2012/08/16/9b712956-d7f4-11e1-98c0-31f6f55bdc4a_story.html).

<sup>7</sup> Open Doors, *supra* note 5.

Haram Islamic extremists entered Niger for the first time, and Niger's military responded and pushed them back.<sup>8</sup>

7. Unfortunately, previously good relations between Christians and Muslims are now being threatened by the growing radicalization of Islam.<sup>9</sup>
8. In September 2012, Muslim protesters ransacked and destroyed two evangelical churches and the Catholic cathedral in Zinder in response to a film on Islam produced in the United States.<sup>10</sup>
9. In 2013, seven churches were attacked.<sup>11</sup>
10. In January 2015, Muslim protests following the Charlie Hebdo publication of Mohammed on its cover destroyed more than 70 Christian churches.<sup>12</sup> More than 30 homes of Christians were burned down. The violence started in Zinder and moved to other main towns in the country, culminating in a large protest in Niamey, the capital. Christian missionaries and local Christians in Niamey said the gates of their homes were marked as targets.<sup>13</sup>
11. President Mahamadou Issoufou spoke out against the attacks. However, reports indicated that the security forces did not respond to the protests, leaving Christians and their homes and churches "easy targets for the protesters and looters."<sup>14</sup> Firefighters also did not respond, and churches were still burning days later.<sup>15</sup>

#### *Protection of religious freedom*

12. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of religion, including the freedom of worship in community with others, which is bolstered by article 22's guarantee of freedom of association. In article 27, the ICCPR emphasizes that States must protect the rights of religious minorities to profess and practise their own religion.
13. While the government and the laws of Niger in theory do guarantee freedom of religion, in practice the free exercise of religion is hampered when Christians' places of worship and homes are targeted for vandalism and destruction.

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<sup>8</sup> *Boko Haram launches first attack in Niger*, BBC, 7 Feb. 2015, <http://www.bbc.com/news/world-africa-31162979>.

<sup>9</sup> See Open Doors, *Open Doors Shows Solidarity with Suffering Church in Niger*, 28 May 2015, <https://www.opendoorsusa.org/newsroom/tag-news-post/open-doors-shows-solidarity-with-suffering-church-in-niger/>; Open Doors, *Niger: Rioters Vow to Burn Last Church*, 13 Feb. 2015, [http://www.opendoorsuk.org/news/stories/niger\\_150213.php](http://www.opendoorsuk.org/news/stories/niger_150213.php). See also Raghavan, *supra* note 6.

<sup>10</sup> Open Doors, *Niger: Churches Destroyed in Anti-Charlie Hebdo Demo*, 19 Jan. 2015, [http://www.opendoorsuk.org/news/stories/niger\\_150119.php](http://www.opendoorsuk.org/news/stories/niger_150119.php).

<sup>11</sup> *Id.*

<sup>12</sup> *70+ churches destroyed as 'anti-Charlie' protests spread in Niger*, WORLD WATCH MONITOR, 20 Jan. 2015, <https://www.worldwatchmonitor.org/2015/01/3630042/>.

<sup>13</sup> Toni Braddix, *Niger's persecuted Christians 'upbeat,' faithful*, BAPTIST PRESS, 9 Mar. 2015, <http://www.bpnews.net/44344/nigers-persecuted-christians-upbeat-faithful>.

<sup>14</sup> See *70+ churches destroyed as 'anti-Charlie' protests spread in Niger*, *supra* note 12.

<sup>15</sup> Iliia Djadi, *Recent violence in Niger shows growing intolerance among religious groups*, WORLD WATCH MONITOR, 28 Jan. 2015, <https://www.worldwatchmonitor.org/2015/01/3647750/>.

14. To ensure that Christians have the freedom to practise their religion, Niger must contribute resources to protecting their churches. In the event of protesting, rioting, or other violence, local governments and, where possible, the national government must deploy security forces to protect churches and the homes of Christians. Niger must also bring to justice the perpetrators of these crimes against Christians.
15. Niger must also focus on countering growing Islamic radicalization. Although this radicalization may be caused by a number of complex factors and cannot be addressed easily,<sup>16</sup> at the very least the government should work to improve conditions that promote religious tolerance, such as access to education.

## **(b) Maternal health**

### *Background*

16. Niger is estimated to have one of the highest maternal mortality ratios (MMR) in the world at 630 deaths per 100,000 live births.<sup>17</sup> The lifetime risk of maternal death, or the probability that a 15-year-old woman will die from a maternal cause at some point in her life, is 1 in 20, the second-highest risk in the world.<sup>18</sup> Every maternal death is a tragedy. It devastates the woman's family, in particular the woman's children, and affects the entire community socially and economically. The high number of maternal deaths in Niger—estimated at 5,600 women in 2013<sup>19</sup>—is a human rights crisis.

### *Maternal health as a human right*

17. Preventable maternal mortality implicates human rights, in particular the right to health. The right to the enjoyment of the highest attainable standard of health is guaranteed in several international and regional human rights treaties Niger is obligated to follow, including the International Covenant on Economic, Social and Cultural Rights (article 12), the Convention on the Rights of the Child (art. 24), and the African Charter on Human and Peoples' Rights (the Banjul Charter, art. 16).
18. More specifically, the Universal Declaration of Human Rights recognizes in Article 25(2) that "motherhood and childhood are entitled to special care and assistance."
19. Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women focuses on women's access to health care services. Article 12(2) requires that states "ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation."
20. CRC article 24(2)(d) requires states to "take appropriate measures [ . . . ] to ensure appropriate pre-natal and post-natal health care for mothers." The Committee on the Rights of the Child, in paragraph 51 of its General Comment No. 15 on the right of

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<sup>16</sup> *See id.*

<sup>17</sup> WHO ET AL., TRENDS IN MATERNAL MORTALITY 1990-2013 33, *available at* [http://apps.who.int/iris/bitstream/10665/112682/2/9789241507226\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/112682/2/9789241507226_eng.pdf?ua=1).

<sup>18</sup> *See id.*

<sup>19</sup> *Id.*

the child to the enjoyment of the highest attainable standard of health, called preventable maternal mortality and morbidity “grave violations of the human rights of women and girls.”

#### *Necessary maternal health interventions*

21. Almost all maternal deaths are preventable,<sup>20</sup> particularly when skilled birth attendants are present to manage complications and the necessary drugs are available, such as oxytocin (to prevent hemorrhage) and magnesium sulfate (to treat pre-eclampsia).
22. Niger must focus on providing prenatal care. The WHO recommends a minimum of four prenatal visits with trained health workers, in order to prevent, detect, and treat any health problems.<sup>21</sup> According to the Demographic and Health Survey, only 32.8 percent of women in Niger had at least four prenatal visits.<sup>22</sup>
23. The WHO states, “Most obstetric complications could be prevented or managed if women had access to skilled birth attendant – doctor, nurse, midwife – during childbirth.”<sup>23</sup> SBAs are trained to recognize and manage complications, and to refer women to higher levels of care if necessary. Skilled birth attendants attended only 29.3 percent of births.<sup>24</sup> According to UNFPA, only 55 percent of the need for SBAs in Niger is met.<sup>25</sup> The population of Niger is expected to increase from 17.2 million in 2012 to 34.5 million in 2030. It must prepare to respond to an estimated two million pregnancies per year by 2030, 75 percent of which will be in rural settings.
24. Women must also receive postnatal care, ideally within 24 hours after giving birth, to monitor the mother for complications and to provide care to the newborn.<sup>26</sup> 63.1 percent of women received no postnatal care in the first two days after birth.<sup>27</sup>
25. Niger must recognize the barriers to adequate health care during pregnancy, childbirth, and the postnatal period, including poverty, distance, lack of information, inadequate services, and cultural practices. 70.2 percent of women in Niger reported that there was at least one barrier, such as needing permission to go for treatment, not wanting to go alone, and in particular getting money for treatment, distance to a health facility, and transportation, in getting care for a health concern.<sup>28</sup>

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<sup>20</sup> WHO, Fact Sheet No. 348, Maternal mortality, <http://www.who.int/mediacentre/factsheets/fs348/en/>.

<sup>21</sup> WHO, Antenatal care, [http://www.who.int/gho/maternal\\_health/reproductive\\_health/antenatal\\_care\\_text/en/](http://www.who.int/gho/maternal_health/reproductive_health/antenatal_care_text/en/).

<sup>22</sup> NIGER ENQUÊTE DÉMOGRAPHIQUE ET DE SANTÉ ET À INDICATEURS MULTIPLES 2012 104 (2013), available at <http://dhsprogram.com/pubs/pdf/FR277/FR277.pdf> [hereinafter NIGER DHS].

<sup>23</sup> WHO, Skilled attendants at birth, [http://www.who.int/gho/maternal\\_health/skilled\\_care/skilled\\_birth\\_attendance\\_text/en/](http://www.who.int/gho/maternal_health/skilled_care/skilled_birth_attendance_text/en/).

<sup>24</sup> NIGER DHS, *supra* note 22, at 111.

<sup>25</sup> UNFPA, THE STATE OF THE WORLD'S MIDWIFERY 2014 148 (2014), available at [http://www.unfpa.org/sites/default/files/pub-pdf/EN\\_SoWMy2014\\_complete.pdf](http://www.unfpa.org/sites/default/files/pub-pdf/EN_SoWMy2014_complete.pdf).

<sup>26</sup> WHO, Postnatal care, [http://www.who.int/maternal\\_child\\_adolescent/topics/newborn/postnatal\\_care/en/](http://www.who.int/maternal_child_adolescent/topics/newborn/postnatal_care/en/).

<sup>27</sup> NIGER DHS, *supra* note 22, at 114.

<sup>28</sup> *Id.* at 117.

26. To improve maternal health, Niger must also introduce measures to reduce recourse to abortion, which threatens women's lives, in line with paragraph 8.25 of the Programme of Action of the International Conference on Population and Development. Measures to reduce abortion include improving access to education, which empowers women, leads to social and economic development, and facilitates healthy decision-making.
27. To protect women further, Niger must resist any calls to liberalize its abortion law. A report by the Guttmacher Institute states, "Changing the law [ . . . ] is no guarantee that unsafe abortion will cease to exist."<sup>29</sup> The medical infrastructure in Niger is poor, and most people still do not have access to basic health care. This does not change when the abortion law is liberalized; women who receive abortions will still encounter a lack of trained health care providers and face poor conditions, the same ones faced by women who give birth and deal with similar complications, such as bleeding and infection. Providing more access to abortion will mean more women will suffer from abortion complications.
28. Further, abortion can never be safe because it takes the life of the unborn child, and harms the mother through the loss of her child.

### **(c) Recommendations**

29. ADF International recommends the following:

- Deploy security forces in a timely manner to protect Christian churches and homes in the event of violence against Christians;
- Promote religious tolerance and recognize that increased access to education will best serve to counter Islamic radicalism;
- Focus on improving maternal health through improving the health care system infrastructure and women's access to health care facilities, skilled birth attendants, and education; and
- Resist calls to liberalize the law on abortion.

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<sup>29</sup> See Susan A. Cohen, *Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide*, GUTTMACHER POL'Y REV. (2009), available at <http://www.guttmacher.org/pubs/gpr/12/4/gpr120402.html>.