

Niger



Death Penalty

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MECHANISM

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Summary: Niger has not ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Niger is classified as abolitionist in practice, but authorities continue to hand down death sentences, and the death penalty is authorized for crimes that do not meet the threshold of the “most serious crimes.” Detention conditions fail to comply with international human rights standards. Civil society organizations face challenges in obtaining accurate information about people sentenced to death, including women. CSOs do not have the resources to follow and monitor all criminal trials, but they collaborate and have good relations with judicial and prison authorities.

Niger is abolitionist in practice, but courts continue to hand down death sentences.

- Niger authorizes the death penalty for several crimes, including for crimes that do not satisfy the “most serious” threshold.
- Nigerien law mandates the death penalty for certain offences, including robbery preceded or followed by rape as well as cattle theft preceded or followed by rape, kidnapping, or the use of firearms (unless the offender returns the animal or pays compensation to the victim).
- Authorities have not carried out any executions since 1976, leading Amnesty International to classify Niger as “abolitionist in practice.”
- Nigerien courts continue to hand down death sentences, including at least 8 in 2025, 16 in 2024, at least 8 in 2023, and at least 4 in 2022, after a brief hiatus in 2021.
- As of 2024, drafts of a new Penal Code and a new Penal Procedure Code published in 2023 were awaiting adoption by the council of ministers, a necessary step prior to their submission to the National Assembly for a vote. It is unclear how these draft laws would affect the scope or applicability of the death penalty.

Detention conditions fail to comply with international human rights standards.

- Detention conditions, including for people under sentence of death, violate international human rights standards. People in detention experience overcrowding, unsanitary conditions, dilapidated facilities, inadequate healthcare facilities, and malnutrition.
- In the wake of the 2023–2024 Nigerien crisis, the Minister of Justice and Human Rights issued a circular dated 29 May 2024 suspending until further notice all visits by human rights organizations to Nigerien prisons. That circular remains in effect.

Niger lacks transparency regarding people sentenced to death, including women.

- As of 2024, civil society was aware of only one woman on death row.
- Nigerien NGOs note that there is a considerable lack of information about the number of people currently under sentence of death, as well as demographic information about them, so it is possible that there are additional women under sentence of death.

Recommendations

- Accelerate measures to adopt the draft Criminal Code and Criminal Procedure Code, giving priority to the adoption of provisions ensuring that the authorities systematically commute all death sentences.
- Lift the suspension on visits by human rights organizations to places of detention and facilitate such visits.
- Establish the National Observatory for Human Rights and Fundamental Freedoms.
- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim, amend the Penal Code to limit the death penalty to offenses entailing an intentional killing committed by the accused person.
- Direct all judicial officials involved with sentencing in criminal matters to consider evidence in mitigation in all capital cases, regardless of any statutory provisions that might call for a mandatory death penalty, and commute the sentences of all persons sentenced to death by operation of the mandatory death penalty pending the opportunity for resentencing hearings.
- On an annual basis, publish comprehensive data about people sentenced to death and people currently under sentence of death, disaggregated by gender/sex, crime of conviction, date of conviction, relationship with any victims or codefendants, status of any appeals or requests for clemency, and current location.
- Ratify the Second Optional Protocol to the ICCPR.
- Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.