



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Consideration of reports submitted by States
parties under article 9 of the Convention**

**Fifteenth to twenty-first periodic reports of States parties due
in 1998**

Niger* **

[16 October 2013]

* This report contains in a single document the fifteenth to twenty-first periodic reports of Niger due in 1998. For the eleventh to fourteenth periodic reports of Niger and the summary records of the Committee's meetings at which the reports were considered, see: CERD/C/299/Add.18 and CERD/C/SR.1297 and 1301.

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Introduction

1. Pursuant to article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of the Niger hereby submits its combined fifteenth to twenty-first periodic reports. The Niger presented its previous report to the Committee on the Elimination of Racial Discrimination on 26 September 1997.
2. In accordance with the Committee's comments regarding the eleventh to fourteenth periodic reports of the Niger, this report describes the country's efforts since the submission of the previous report. It also highlights the accomplishments and progress made in fostering a culture that condemns all forms of racial discrimination. The Government also takes advantage of the submission of the report to reply to the observations and comments made during its last dialogue with the Committee.
3. The Government is aware of the delay in submitting its reports to treaty bodies in general and of its report on the implementation of the Convention in particular. For this reason, as part of the preparation of initial and periodic reports required under international human rights conventions, the Ministry of Justice, which is responsible for human rights, set up an interministerial committee responsible for the drafting of such reports.
4. Several activities were carried out with a view to drafting this report, including:
 - Distribution of documentation to the members of the interministerial committee;
 - Training of members of the interministerial committee in techniques for drafting the report on the implementation of the Convention;
 - Reorientation and task allocation meetings;
 - Internal adoption of the report.
5. At the end of this process, the draft report was approved at a national workshop run by the ministry responsible for human rights, with the participation of relevant ministries and institutions, civil society and the media. It was then adopted by the Council of Ministers.
6. By submitting the report to the Committee, the Government reaffirms its commitment to human rights values and cooperation with the United Nations bodies entrusted with protecting human rights.

I. General information

A. General legal framework

7. The Niger is a party to almost all human rights protection instruments at the international, regional and national levels.

(a) International level

8. The Niger is a party to the following instruments:
 - The International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965), ratified on 27 April 1967;
 - The International Covenant on Civil and Political Rights (16 December 1966), acceded to on 7 March 1986;

- The International Covenant on Economic, Social and Cultural Rights (16 December 1966), acceded to on 7 March 1986;
- The Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979), acceded to on 8 October 1999;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (20 December 1984), ratified on 5 October 1986;
- The Convention on the Rights of the Child (November 1989), ratified on 30 September 1990;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (December 1990), ratified on 18 March 2009;
- The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both ratified on 3 June 2008;
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (November 2000), ratified on 29 July 2004;
- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, acceded to on 1 December 1964;
- The International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 4 August 2000;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (December 1949), ratified 10 June 1977;
- The Convention for the Suppression of the Traffic in Women of Full Age (October 1933), succeeded to on 25 August 1961;
- The ILO Equal Remuneration Convention, 1951 (No. 100), ratified on 9 August 1966;
- The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified on 23 March 1962;
- The Slavery Convention (Geneva, September 1926), succeeded to on 25 August 1961;
- The Protocol amending the Slavery Convention (October 1953), acceded to on 7 December 1964;
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (April 1956), ratified on 22 July 1963;
- The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; the Geneva Convention relative to the Treatment of Prisoners of War; and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, all of 1949 – all succeeded to on 16 August 1964;
- The Convention on the Political Rights of Women (March 1953), succeeded to on 7 December 1964;
- The ILO Forced Labour Convention, 1930 (No. 29), ratified on 27 February 1961;

- The ILO Abolition of Forced Labour Convention, 1957 (No. 105), ratified on 23 March 1962;
- The Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (December 1985), ratified on 27 January 2009;
- The Convention against Discrimination in Education (14 December 1960), acceded to on 16 July 1968;
- The International Convention on the Suppression and Punishment of the Crime of Apartheid (November 1973), ratified on 28 June 1978.

(b) Regional level

9. The Niger is a party to the following instruments:
- The African Charter on Human and Peoples' Rights (27 June 1981), ratified on 21 July 1986;
 - The African Charter on the Rights and Welfare of the Child (July 1990), ratified on 11 December 1992;
 - The African Union Convention Governing Specific Aspects of Refugee Problems in Africa (September 1969), ratified on 21 September 1971;
 - The Economic Community of West African States (ECOWAS) Protocol on Free Movement of Persons, Right of Residence and Establishment (May 1979), ratified on 29 November 1979.

(c) National level

10. In the preamble to the Constitution of 25 November 2010, the people of the Niger reaffirmed its unequivocal opposition to any political regime founded on dictatorship, arbitrariness, impunity, injustice, corruption, extortion, regionalism, ethnocentricity or nepotism.

11. Article 8 of the Constitution stipulates that: "The Republic of the Niger is governed by the rule of law and guarantees all persons equality before the law, without distinction as to sex or social, racial, ethnic or religious origin. The State respects and protects all beliefs. No proponents of a particular religion or belief may claim political power or interfere in the affairs of State. Any propaganda of a regionalist, racial or ethnic nature, or manifestation of racial, social, gender-related, ethnic, political or religious discrimination shall be punishable by law."

12. Moreover, article 9 of the Constitution prohibits the establishment of political parties along ethnic or regionalist lines. No political party may be formed for the purpose of advancing a particular ethnic group, region or religion, subject to penalties under the law.

13. Article 10 of the Constitution states that: "All citizens of the Niger are born and remain free and equal in rights and obligations. However, access for certain categories of the population to elected office and public service may be facilitated by special measures provided for by law."

14. Under article 102 of the Criminal Code: "Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other is punishable by 1 to 5 years' imprisonment and restricted residence."

15. Article 5 of the Labour Code stipulates that: "Subject to the explicit provisions of the present Code and of any other legislative or regulatory text protecting women and

children and provisions relating to the status of foreigners, an employee's sex, age, national extraction, race, religion, colour, political or religious views, social origin, disability, membership or non-membership of a trade union or trade union activity shall not be taken into account by any employer in making decisions relating, in particular, to recruitment, the conduct and distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment contract. Any conflicting provision or text is void."

B. Political and institutional situation

16. Since multiparty democracy was established in 1991, the country has seen five republics. The democratic process has been interrupted three times, the last being on 18 February 2010. The transitional regime, led by the Supreme Council for the Restoration of Democracy, completed the country's return to a normal constitutional situation on 7 April 2011.

17. The Constitution of 25 November 2010 enshrined the separation of powers, i.e. the executive, legislative and judicial branches.

18. In addition, the following institutions were also established:

- The National Human Rights Commission;
- The Economic, Social and Cultural Council;
- The High Council for Communications.

19. Other bodies helping to strengthen the rule of law and good governance include:

- The High Authority to Combat Corruption and Related Offences;
- The High Commission for State Modernization;
- The Ombudsman;
- The National Council for Political Dialogue;
- The National Commission for Social Dialogue.

20. The Ministry of Justice has taken the lead in promoting and protecting human rights. Other divisions of the Ministry as well as technical departments of other ministries are also involved in these efforts; NGOs and associations also play a significant role.

21. Prevention, oversight and enforcement mechanisms have been set up to implement anti-discrimination measures. Thus:

- The Council of State is the highest authority in administrative matters. It is the first and last instance for cases of abuse of authority by the administrative authorities as well as appeals for interpretation and assessment of the legality of administrative texts;
- Each *tribunal de grande instance* (court of major jurisdiction) has an administrative court that hears disputes between public services and the people they serve. Any victim of an act of discrimination on the grounds of race, colour, gender, language, religion, national or social origin committed by a public servant may bring a case to the administrative court.

C. Ethnic and demographic features

22. The Niger is a Sahelian country in West Africa with an area of 1,267,000 km². The National Statistics Institute estimated the population to be 15,730,754 in 2011.

23. There are nine ethnic groups:

- Arab: 0.3 per cent;
- Gurma: 0.3 per cent;
- Hausa: 53 per cent;
- Kanuri: 4.4 per cent;
- Fulani: 9.9 per cent;
- Tuareg: 10.4 per cent;
- Toubou: 0.4 per cent;
- Djerma-Sonrai: 21.2 per cent;
- Others, including naturalized: 0.2 per cent.

Table 1
Population

| | | 2009 | 2010 | 2011 |
|------------------------|--------------|-------------------|-------------------|-------------------|
| Resident population | Total | 14 693 112 | 15 203 822 | 15 730 754 |
| | Male | 7 339 392 | 7 594 565 | 7 857 845 |
| | Female | 7 353 720 | 7 609 257 | 7 872 909 |
| Urban population | Total | 2 911 066 | 3 104 574 | 3 309 954 |
| | Male | 1 458 250 | 1 555 187 | 1 658 102 |
| | Female | 1 452 816 | 1 549 387 | 1 651 852 |
| Rural population | Total | 11 782 046 | 12 099 248 | 12 420 800 |
| | Male | 5 881 142 | 6 039 378 | 6 199 743 |
| | Female | 5 900 904 | 6 059 870 | 6 221 057 |
| Annual growth rate (%) | | 3.3 | 3.3 | 3.3 |
| Urbanization rate (%) | | 19.8 | 20.4 | 21.0 |

Source: National Statistics Institute.

Table 2
Population by region

| | | 2009 | 2010 | 2011 |
|--------------|--------------|-------------------|-------------------|-------------------|
| Total | Total | 14 693 112 | 15 203 822 | 15 730 754 |
| | Male | 7 339 392 | 7 594 565 | 7 857 845 |
| | Female | 7 353 720 | 7 609 257 | 7 872 909 |
| Agadez | Total | 464 564 | 487 313 | 511 188 |
| | Male | 234 403 | 245 881 | 257 929 |

| | | 2009 | 2010 | 2011 |
|------------------|--------------|------------------|------------------|------------------|
| | Female | 230 161 | 241 432 | 253 259 |
| Diffa | Total | 458 062 | 473 563 | 489 531 |
| | Male | 234 729 | 242 672 | 250 855 |
| | Female | 223 333 | 230 891 | 238 676 |
| Dosso | Total | 1 956 476 | 2 016 690 | 2 078 339 |
| | Male | 967 413 | 997 187 | 1 027 671 |
| | Female | 989 063 | 1 019 503 | 1 050 668 |
| Maradi | Total | 2 927 051 | 3 021 169 | 3 117 810 |
| | Male | 1 445 834 | 1 492 324 | 1 540 060 |
| | Female | 1 481 217 | 1 528 845 | 1 577 750 |
| Niamey | Total | 1 145 870 | 1 222 066 | 2 741 922 |
| | Male | 572 804 | 610 893 | 651 307 |
| | Female | 573 066 | 611 173 | 651 603 |
| Tahoua | Total | 2 576 390 | 2 658 099 | 2 741 922 |
| | Male | 1 276 193 | 1 316 673 | 1 358 190 |
| | Female | 1 300 197 | 1 341 426 | 1 383 732 |
| Tillabéri | Total | 2 430 149 | 2 500 454 | 2 572 125 |
| | Male | 1 223 265 | 1 258 651 | 1 294 729 |
| | Female | 1 206 884 | 1 241 803 | 1 277 396 |
| Zinder | Total | 2 734 549 | 2 824 468 | 2 916 929 |
| | Male | 1 384 751 | 1 430 284 | 1 477 104 |
| | Female | 1 349 798 | 1 394 184 | 1 439 825 |

Source: National Statistics Institute.

Table 3
Distribution of resident nationals of the Niger, by ethnicity and region, 2001
 (2001 General Population and Housing Census)

| Ethnicity | Total | | Agadez | Diffa | Dosso | Maradi | Tahoua | Tillabéri | Zinder | Niamey U.C. |
|----------------|-----------|------|--------|-------|-------|--------|--------|-----------|--------|-------------|
| | Real | % | % | % | % | % | % | % | % | % |
| Arab | 40 085 | 0.4 | 2.1 | 2.4 | 0.1 | 0.1 | 0.7 | 0.1 | 0.2 | 0.5 |
| Djerma-Songhai | 2 300 874 | 21.0 | 5.0 | 0.9 | 48.1 | 0.4 | 0.8 | 63.6 | 0.5 | 51.1 |
| Gurma | 39 797 | 0.4 | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 1.9 | 0.0 | 0.4 |
| Hausa | 6 069 731 | 55.4 | 24.4 | 4.5 | 42.1 | 87.8 | 78.2 | 10.5 | 68.6 | 34.4 |
| Kanuri Manga | 513 116 | 4.7 | 4.7 | 60.2 | 0.1 | 0.2 | 0.2 | 0.1 | 13.1 | 1.4 |
| Fulani | 935 517 | 8.5 | 2.2 | 24.6 | 8.6 | 8.3 | 2.5 | 12.6 | 9.4 | 7.5 |
| Tuareg | 1 016 883 | 9.3 | 60.1 | 1.0 | 1.0 | 3.1 | 17.5 | 11.1 | 7.5 | 4.4 |
| Toubou | 42 172 | 0.4 | 1.3 | 6.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.7 | 0.1 |

| Ethnicity | Total | | Agadez | Diffa | Dosso | Maradi | Tahoua | Tillabéri | Zinder | Niamey U.C. |
|--------------|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | Real | % | % | % | % | % | % | % | % | % |
| Other (1) | 5 951 | 0.1 | 0.2 | 0.2 | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 | 0.3 |
| Total | 10 964 126 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

Source: Statistical yearbook for the fiftieth anniversary of the independence of the Niger, National Statistics Institute, 2010.

Table 4
Population by region, 2004–2009

| Total | Total | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|-----------|---------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | Male | 6 097 426 | 6 389 591 | 6 617 370 | 6 851 313 | 7 091 818 | 7 339 392 |
| | Female | 6 127 396 | 6 402 484 | 6 630 619 | 6 864 920 | 7 105 783 | 7 353 719 |
| Agadez | Total | 355 504 | 383 510 | 402 406 | 422 177 | 442 874 | 464 564 |
| | Male | 179 375 | 193 506 | 203 040 | 213 016 | 223 459 | 234 403 |
| | Female | 176 129 | 190 004 | 199 366 | 209 161 | 219 415 | 230 161 |
| Diffa | Total | 383 087 | 400 131 | 414 059 | 428 340 | 442 998 | 458 062 |
| | Male | 196 309 | 205 043 | 212 180 | 219 498 | 227 010 | 234 729 |
| | Female | 186 778 | 195 088 | 201 879 | 208 842 | 215 988 | 223 333 |
| Dosso | Total | 1 664 416 | 1 728 063 | 1 783 482 | 1 839 972 | 1 897 603 | 1 956 476 |
| | Male | 822 999 | 854 470 | 881 873 | 909 805 | 938 302 | 967 413 |
| | Female | 841 417 | 873 593 | 901 609 | 930 167 | 959 301 | 989 063 |
| Maradi | Total | 2 471 149 | 2 572 525 | 2 658 175 | 2 745 723 | 2 835 293 | 2 927 051 |
| | Male | 1 220 639 | 1 270 714 | 1 313 021 | 1 356 266 | 1 400 510 | 1 445 834 |
| | Female | 1 250 510 | 1 301 811 | 1 345 154 | 1 389 457 | 1 434 783 | 1 481 217 |
| Niamey | Total | 782 491 | 882 214 | 942 455 | 1 006 324 | 1 074 046 | 1 145 870 |
| | Male | 396 246 | 441 006 | 471 120 | 503 047 | 536 900 | 572 804 |
| | Female | 386 245 | 441 208 | 471 335 | 503 277 | 537 146 | 573 066 |
| Tahoua | Total | 2 180 436 | 2 267 937 | 2 342 556 | 2 418 762 | 2 496 660 | 2 576 390 |
| | Male | 1 089 969 | 1 123 403 | 1 160 365 | 1 198 113 | 1 236 699 | 1 276 193 |
| | Female | 1 090 467 | 1 144 534 | 1 182 191 | 1 220 649 | 1 259 961 | 1 300 197 |
| Tillabéry | Total | 2 088 461 | 2 160 672 | 2 226 464 | 2 293 256 | 2 361 117 | 2 430 149 |
| | Male | 1 034 501 | 1 087 618 | 1 120 736 | 1 154 357 | 1 188 516 | 1 223 265 |
| | Female | 1 053 960 | 1 073 054 | 1 105 728 | 1 138 899 | 1 172 601 | 1 206 884 |
| Zinder | Total | 2 299 278 | 2 397 023 | 2 478 392 | 2 561 679 | 2 647 010 | 2 734 549 |
| | Male | 1 157 388 | 1 213 831 | 1 255 035 | 1 297 211 | 1 340 422 | 1 384 751 |
| | Female | 1 141 890 | 1 183 192 | 1 223 357 | 1 264 468 | 1 306 588 | 1 349 798 |

Source: Statistical yearbook for the fiftieth anniversary of the independence of the Niger, National Statistics Institute, 2010.

24. Administratively, the Niger is divided into 8 regions, 63 departments and 266 urban and rural communes.

25. The population of the Niger is mainly composed of Muslims, who coexist peacefully with Christians and animists. According to the 2001 General Population and Housing Census, the breakdown of the population by religion is as follows:

- Animist: 0.1 per cent;
- Other: 0.1 per cent;
- Christian: 0.3 per cent;
- Muslim: 99.3 per cent;
- No religion: 0.3 per cent.

26. The population is distributed very unequally across the territory, with a density of 12.4 inhabitants/km² in 2011. According to demographic estimates by the National Statistics Institute, 79 per cent of the population was rural in 2010 and 21 per cent urban.

Table 5

Resident population by region, place of residence and gender

| Area of residence | 2001 | | | | 2010 | | | | |
|------------------------|---------------|------------------|------------------|-------------------|---------------|------------------|------------------|-------------------|---------------|
| | Sex ratio (%) | Male | Female | Total | Sex ratio (%) | Male | Female | Total | Sex ratio (%) |
| Niger | 98.3 | 5 516 588 | 5 543 703 | 10 964 126 | 99.5 | 7 594 565 | 7 609 257 | 15 203 822 | 99.8 |
| Urban | 100.4 | 899 764 | 898 737 | 1 798 501 | 100.1 | 1 555 187 | 1 549 387 | 3 104 574 | 100.4 |
| Rural | 98.0 | 4 616 824 | 4 644 966 | 9 261 790 | 99.4 | 6 039 378 | 6 059 870 | 12 099 248 | 99.7 |
| Agadez | 99.2 | 162 288 | 159 351 | 321 639 | 101.8 | 245 881 | 241 432 | 487 313 | 101.8 |
| Urban | - | 79 762 | 80 146 | 159 908 | 99.5 | 139 148 | 136 885 | 276 033 | 101.7 |
| Rural | - | 82 526 | 79 205 | 161 731 | 104.2 | 106 733 | 104 547 | 211 280 | 102.1 |
| Diffa | 100.7 | 177 609 | 168 986 | 346 595 | 105.1 | 242 672 | 230 891 | 473 563 | 105.1 |
| Urban | - | 25 296 | 24 211 | 49 507 | 104.5 | 44 119 | 41 340 | 85 459 | 106.7 |
| Rural | - | 152 313 | 144 775 | 297 088 | 105.2 | 198 553 | 189 551 | 388 104 | 104.7 |
| Dosso | 99.1 | 744 600 | 761 264 | 1 505 864 | 97.8 | 997 187 | 1 019 503 | 2 016 690 | 97.8 |
| Urban | - | 57 869 | 60 002 | 117 871 | 96.4 | 100 971 | 102 498 | 203 469 | 98.5 |
| Rural | - | 686 731 | 701 262 | 1 387 993 | 97.9 | 896 216 | 917 005 | 1 813 221 | 97.7 |
| Maradi | 95.7 | 1 104 361 | 1 131 387 | 2 235 748 | 97.6 | 1 492 324 | 1 528 845 | 3 021 169 | 97.6 |
| Urban | - | 118 327 | 120 988 | 239 315 | 97.8 | 206 444 | 206 662 | 413 106 | 99.9 |
| Rural | - | 986 034 | 1 010 399 | 1 996 433 | 97.6 | 1 285 880 | 1 322 183 | 2 608 063 | 97.3 |
| Niamey Urban Community | 104.6 | 358 500 | 349 451 | 707 951 | 102.6 | 610 893 | 611 173 | 1 222 066 | 100.0 |
| Tahoua | 97.1 | 986 139 | 986 590 | 1 972 729 | 100.0 | 1 316 673 | 1 341 426 | 2 658 099 | 98.2 |
| Urban | - | 94 385 | 98 548 | 192 933 | 95.8 | 164 691 | 168 350 | 333 041 | 97.8 |
| Rural | - | 891 754 | 888 042 | 1 779 796 | 100.4 | 1 151 982 | 1 173 076 | 2 325 058 | 98.2 |
| Tillabéri | 98.0 | 935 955 | 953 560 | 1 889 515 | 98.2 | 1 258 651 | 1 241 803 | 2 500 454 | 101.4 |
| Urban | - | 37 614 | 38 759 | 76 373 | 97.0 | 65 627 | 66 208 | 131 835 | 99.1 |

| Area of residence | 2001 | | | | 2010 | | | | |
|---------------------|---------------|------------------|------------------|------------------|---------------|------------------|------------------|------------------|---------------|
| | Sex ratio (%) | Male | Female | Total | Sex ratio (%) | Male | Female | Total | Sex ratio (%) |
| Rural | - | 898 341 | 914 801 | 1 813 142 | 98.2 | 1 193 024 | 1 175 595 | 2 368 619 | 101.5 |
| Zinder Total | 99.6 | 1 047 136 | 1 033 114 | 2 080 250 | 101.4 | 1 430 284 | 1 394 184 | 2 824 468 | 102.6 |
| Urban | - | 128 011 | 126 632 | 254 643 | 101.1 | 223 294 | 216 271 | 439 565 | 103.2 |
| Rural | - | 919 125 | 906 482 | 1 825 607 | 101.4 | 1 206 990 | 1 177 913 | 2 384 903 | 102.5 |

Source: Statistical yearbook for the fiftieth anniversary of the independence of the Niger, National Statistics Institute, 2010.

D. Situation of women

(a) Economy

27. In 2006, 47 per cent of potentially active women were economically active, i.e. 40 per cent had an occupation and 7 per cent were unemployed. In contrast, 86 per cent of potentially active men were economically active, i.e. 66 per cent had an occupation and 20 per cent were unemployed. The employment rate of women increases with age, rising from 32 per cent among 15- to 19-year-olds to 54 per cent among 45- to 49-year-olds. It also varies according to:

- Marital status: 37 per cent among single women, 40 per cent among women living with a partner and 45 per cent among those who are separated from their partner;
- Number of children: 35 per cent among women with no children and 48 per cent among women with five or more children;
- Household standard of living: 36 per cent among the poorest households and 42 per cent among the richest households. Area of residence (rural or urban) and level of education do not affect the employment rate. There are considerable gender disparities in youth unemployment: 33.9 per cent of young women are unemployed compared to 24.3 per cent of young men. Moreover, young women in urban areas are more likely to be unemployed than their male counterparts (34 per cent against 21 per cent).

28. In 2008, women were concentrated more in the primary (66 per cent) and tertiary sectors (27 per cent). They represented only 7 per cent of workers in the secondary sector. Among active women, 97 per cent worked in the informal sector and only 3 per cent in the formal sector, (2.2 per cent as public sector employees and 0.8 per cent as employees in the private sector).

(b) Governance

Participation of women in decision-making

29. The female participation index is based on three indicators: participation in economic life and decision-making, participation in political life and decision-making, and control over economic resources. In 2007, the index was 0.33, up from 0.11 in 2000, but was still among the lowest in the world. The index is calculated based on the following data:

- Women's income at purchasing power parity is approximately US\$ 887 (very slight variation compared to 1998 when it stood at US\$ 700);

- 10 per cent of senior civil service posts and 25 per cent of professional posts are occupied by women.

Politics

30. The participation of women in politics is measured by their presence in government institutions, political parties and international institutions.

31. Governance in the Niger was shaped by the adoption of Act No. 2000-008 of 7 June 2000, which fixed a quota system for the representation of either sex in appointed posts (25 per cent) and elected office (10 per cent).

32. Between 2000 and 2004, only one woman sat in the National Assembly. In 2008, there were 13 female parliamentarians out of 113 elected members, or 12.5 per cent, while the current legislature has 15 women out of the same number of members. In 2008, the Government consisted of 31 ministerial portfolios of which 8, or 25 per cent, were held by women. In 2011, there were 6 female ministers out of 24, or 25 per cent.

Decentralization and local governance

33. In the period 2004–2007, of 3,747 elected local councillors, 671, or 17.6 per cent, were women. This figure reflects the gradually increasing level of involvement of women in local decision-making bodies. In the same period, 6 out of 245 mayors were women.

Table 6

Breakdown of local officials elected in 2011

| | <i>Men</i> | <i>Women</i> | <i>Total</i> | <i>Women as % of total</i> |
|------------------------------------|--------------|--------------|--------------|----------------------------|
| Regional councillors | 224 | 36 | 260 | 13 |
| Municipal and district councillors | 3 092 | 584 | 3 676 | 15 |
| City councillors | 87 | 17 | 104 | 16 |
| Total | 3 403 | 637 | 4 040 | 15 |

(c) **Health**

34. The implementation of the Health-Care Development Plan is based on the following principles and values:

- The right to health for all;
- Ethics in health care and human rights.

35. Considerable progress has been made in women's health thanks to the extension of health-care facility coverage in the country and better disease treatment and prevention, including vaccinations, prenatal consultations and infant care and the use of insecticide-treated mosquito nets. Health care for children under 5 and certain maternal health services became free in 2006, leading to greater use of treatment and prevention services.

36. Health-care coverage is 71 per cent, but the percentage of the population who has access to health-care centres offering the minimum package of services within a 5-kilometre radius remains low: 44.08 per cent in 2009 and 48.34 per cent in the first quarter of 2010.

37. To ensure that vulnerable groups have access to medical care, the Government has made the following services free of charge: caesarean sections (2005), health care for children under 5, prenatal consultations, family planning sessions, and the treatment of women's cancers (2006), HIV and obstetric fistulas. Some 4,422,864 children under 5

received care in 2008 and 5,184,321 in 2009, while 5,698 caesarean sections were performed in 2008 and 8,799 in 2009.

38. Regarding action on obstetric fistulas, the Government has introduced free care for women suffering from fistulas. Between 2003 and 2009, several doctors were trained to operate on fistulas in Tahoua, Niamey and Zinder. Some 797 surgical procedures for fistulas were performed at the Niamey hospital. Regarding socioeconomic reintegration, over 600 women were able to return to their communities after receiving training in income-generating activities. Moreover, each of them received a grant of 50,000 CFA francs to set up economic activities enabling them to maintain their independence. The call to include fistula surgeries in reproductive health programmes and the national health-care development plans (2005–2010 and 2011–2015) was a noteworthy step forward in the campaign for the elimination of obstetric fistulas.

39. The maternal and infant/child mortality rates were 648 and 198 per thousand in 2009 and remain very high, making it difficult to achieve Millennium Development Goals 4 and 5.

40. Maternal mortality has barely improved: 648 women die during pregnancy or child birth for every 100,000 live births. This high rate is mainly attributable to incidents during child birth, but also to illness during pregnancy, post-delivery infections and anaemia.

(d) Education and vocational training

41. Primary school enrolment of girls has doubled since 2000. Nevertheless, the gap between boys and girls is widening because enrolment of boys is progressing faster. The disparities increase further when moving from primary education to senior high school. Parity has been achieved only at the preschool level.

Table 7

Gross enrolment rates by gender and area of residence (%)

| | 2008/09 | 2009/10 | 2010/11 | 2011/12 | Increase |
|--------------------------|-------------|-------------|-------------|-------------|-------------|
| Total | 67.8 | 72.9 | 76.1 | 79.2 | 11.4 |
| Boys | 77 | 81.9 | 84.9 | 87.8 | 10.8 |
| Girls | 58.6 | 63.9 | 67.3 | 70.7 | 12.1 |
| Urban | 78 | 80.8 | 99.1 | 108.2 | 30.2 |
| Rural | 64.4 | 70.3 | 70 | 71.4 | 7 |
| Girl/Boy parity index | 0.76 | 0.78 | 0.79 | 0.8 | 0.05 |
| Urban/Rural parity index | 1.21 | 1.15 | 1.42 | 1.5 | 0.31 |

Source: Statistical yearbook on education 2011/12.

42. Regarding technical education, there were 13,379 students in technical and vocational training institutions in 2007/08, or 8 per cent of secondary school students. Girls make up 54 per cent and boys 46 per cent. In 2006/07, the target population for this type of education was approximately 294,546 students. As for higher education, enrolment figures for the country's universities in 2008/09 were: 9,854 at Abdou Moumouni University in Niamey; 1,091 at the Say Islamic University, including 197 women; and 89 at the University Institutes of Technology.

43. Female illiteracy remains a major impediment to women's development. Nearly 12 per cent of women can read and write a simple text, compared to 28 per cent of men. This situation has changed very little since 1998, despite growing demand for literacy training.

The number of persons enrolled in centres more than doubled over the period 1998–2008 and women make up 70 per cent of attendees. However, one third of women drop out of the programme and only half succeed.

44. The Government has taken a number of measures to improve women's access to literacy and to training for certain trades. In 1998, it established community development training centres as public facilities providing hands-on training in minor trades and income-generating activities for children not enrolled in school or who have dropped out. The main branches are carpentry and metalwork, training for electricians and car mechanics, and home economics for girls and women. The courses last two years and those who complete them receive a professional qualification certificate. There are vocational training facilities for girls and women that have been operating in the country for several years. These are women's centres offering instruction in home economics, sewing and knitting. In 2009, there were 126 such centres countrywide, including 62 private ones; however, only 64 of them are operational.

II. Information relating to articles 2 to 7 of the Convention

Article 2

A. Legal framework

45. The Niger has ratified almost all the international legal instruments, and acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 27 April 1967. Article 8 of the Constitution of 25 November 2010 provides that: "The Republic of the Niger is governed by the rule of law and guarantees all persons equality before the law, without distinction as to sex or social, ethnic or religious origin. The State respects and protects all beliefs. No proponents of a particular religion or belief may claim political power or interfere in the affairs of State. Any propaganda of a regionalist, racist or ethnic nature or manifestation of racial, social, gender-related, ethnic, political or religious discrimination is punishable by law."

46. The principle of non-discrimination is incorporated in the Constitution and reflects the will of the Niger to respect its relevant international commitments. Several initiatives combating all forms of discrimination have been launched or implemented on the basis of policies and strategies drawn up and executed by the Government, and are reflected in actions at the legislative and institutional levels.

47. Article 5 of the Constitution gives equal treatment to all the national languages, which are used freely by different communities. They all hold the status of national languages and are spoken by eight ethnic groups in the Niger, namely the Hausa, the Djerma-Sonrai, the Fulani, the Kanuri, the Tuareg, the Gurma, the Tubu and the Arabs.

48. Article 8 of the Constitution requires the Niger to ensure the equality of all before the law, without distinction as to sex or social, racial, ethnic or religious origin. The same article requires the State to respect and protect all beliefs, while proclaiming the separation of State and religion. Furthermore, it declares that any propaganda of a regionalist, racist or ethnic nature or manifestation of racial, social, gender-related, ethnic, political or religious discrimination is punishable by law.

49. Article 9, paragraph 3, prohibits the formation of any political party of an ethnic, regionalist or religious nature. No political party may be formed for the purpose of advancing a particular ethnic group, region or religion, subject to penalties under the law.

50. Article 10 declares that all citizens of the Niger are equal and free.

51. Article 14 provides that “no one shall be subjected to torture, slavery or inhuman or degrading abuse or treatment” and article 18 adds that “no one shall be detained or charged except under legislation in force prior to the commission of the offence of which they are accused”.

52. Pursuant to article 22, the State is required to ensure the elimination of all forms of discrimination against women, girls and persons with disabilities and to adopt measures to combat violence against women and children in public and private life.

53. Article 33, paragraph 2, provides that “no person shall suffer discrimination in the workplace”.

54. Article 42, paragraph 2, protects the rights and freedoms of foreign nationals.

(a) Legislative and regulatory measures

55. The following articles of Act No. 2003-025 of 13 June 2003, which amends and supplements Act No. 61-27 of 15 July 1961 establishing the Criminal Code, describe and lay down penalties for discrimination:

- Article 102, which provides that: “Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other is punishable by 1 to 5 years’ imprisonment and restricted residence”;
- Article 208.1, which provides that: “Genocide is defined as the act of committing or causing others to commit, as part of an organized plan, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group or a group identified by any other arbitrary criterion, one of the following:
 - Voluntary endangerment of life;
 - Endangerment of physical or psychological integrity;
 - Imposition of living conditions calculated to bring about the destruction of the group in whole or in part;
 - Measures intended to prevent births;
 - Forcible transfer of children;
 - Genocide is a capital offence;
- Article 208.2, which provides that: “Crimes against humanity are defined as deportation, enslavement or the massive and systematic practice of summary executions, of abduction and the subsequent disappearance of persons, of torture or inhuman acts, motivated by politics, philosophy, race or religion and carried out as part of an organized campaign against a section of the civilian population”;
- Crimes against humanity are capital offences.

(b) Order No. 2010-84 of 16 December 2010 on the organization of political parties

56. Article 57 prohibits political parties or groups of political parties founding their organization and activities on the basis of:

- Sectarianism, nepotism, communitarianism or fanaticism;
- Membership of a particular religion, linguistic group or regional group;
- Membership of a particular sex, ethnic group or professional status.

57. Speeches and abuse based on region of origin, ethnicity, gender or religion are also forbidden and punished in accordance with the law.

(c) **Order No. 84-06 of 1 March 1984 on associations**

58. Article 2, paragraph 2, provides that: "Regional and ethnic associations are prohibited. Regional associations are defined as:

- Any association aiming to maintain the characteristics of a region, ethnic group or the vestiges of racial origin in another part of the Niger;
- Any association of citizens of the Niger from a department, arrondissement, town, commune, canton, village or tribe of the Niger who are resident in other departments, arrondissements, towns, villages or tribes in the country."

59. Although the provisions of article 102 of the Criminal Code and article 2 of the aforementioned Order prohibit the formation of regional or regionalist associations, the law authorizes the formation of cultural associations whose aims do not conflict with the aforementioned provisions. Under this law: "Any association founded with a cause or purpose contrary to legislation or regulations in force or to moral standards, or that aims to threaten public order, the integrity of national territory or the form of government, is null and void."

(d) **Order No. 84-33 of 23 August 1984 establishing the Code of Nationality of the Niger and subsequent amending legislation**

60. Article 13 defines the conditions governing the acquisition of nationality of the Niger by foreign women who marry men from the Niger. Thus: "A foreign woman who marries a man from the Niger may choose to acquire nationality of the Niger within one year of the marriage by presenting documents to the civil court in the place where the marriage was celebrated, or to the consular authorities of the Niger if the marriage was celebrated abroad."

61. However, the Nationality Code does not comment on the transfer of nationality by women of the Niger to foreign husbands. A study on bringing domestic regulations into line with international human rights regulations has been commissioned by the Government and will allow this concern to be examined.

(e) **Act No. 98-12 of 12 June 1998 on the education system**

62. Article 8 provides that "everyone has the right to education without distinction as to age, sex, or social, racial, ethnic or religious origin".

(f) **Order No. 96-039 of 29 June 1996 establishing the Labour Code**

63. Article 5 establishes restrictions on the powers of employers that may lead to discriminatory acts. Thus: "Subject to the explicit provisions of the present Code and of any other legislative or regulatory text protecting women and children, and provisions relating to the status of foreigners, an employee's sex, age, national extraction, race, religion, colour, political or religious views, social origin, disability, membership or non-membership of a trade union or trade union activity shall not be taken into account by any employer in making decisions relating, in particular, to recruitment, the conduct and distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment contract."

(g) Order No. 2010-035 of 4 June 2010 regulating press freedom

64. Article 52, paragraph 2, provides that: “Defamation of a group of persons specified in the preceding article who, because of their origins, belong to a specific ethnic group, region or religion, via any method of communication and aiming to incite hatred among citizens or inhabitants shall be punished by a fine of between 100,000 and 500,000 CFA francs.”

(h) Decree No. 99-368/PCRN/MJ/DH of 3 September 1999 on the organization and internal regulations of prisons

65. Under article 6: “Detainees are subject to the regulations governing all detainees in their category. They have equal rights to access the services provided at the prison where they are detained, according to their merits and aptitudes. There shall be no difference in the treatment of detainees based on race, colour, sex, language, religion, political opinion, national or social origin, property, birth or other status.”

B. General policy

66. Through the activities that it has launched and implemented, the State’s objective in the areas of political, economic, social and cultural life is to correct the disparities and inequalities that form the basis for discrimination. The effectiveness and impact of those activities should be analysed separately in order to measure and evaluate the State’s commitment to implementing the Convention.

Political developments

67. The advent of democracy has allowed citizens to vote on laws and regulations, to vote in elections and to be elected. They are free to form associations, trade unions and political parties, subject to respect for the provisions of the law. Sectoral policies and programmes have been launched and implemented to promote equal opportunities among citizens, their right to participate in political life and gender equity.

68. Regarding communication, in May 2003 the State of the Niger adopted the National Policy on Communication for Development. The Policy, which is a flexible and evolving frame of reference for all development partners, aims to promote wider participation of both urban and rural populations in the development process. To that end, it helps to provide better and more widespread access for the population to the media and to democratic debate, reinforces social dialogue and encourages a culture of peace and social cohesion as part of development. It is also helping to establishing a permanent system for informing citizens, and raising their awareness, of all the priority development programmes in the Niger, for example on combating poverty, protecting the environment, better health-care coverage and the promotion of good governance.

69. The general objectives of the National Policy on Communication for Development therefore contribute to the implementation of the Convention in the Niger.

Economic developments

70. The State has an Accelerated Development and Poverty Reduction Strategy that serves as a unifying framework on which all sectoral strategies are based and is the State’s frame of reference for its economic, financial and social policies for the period 2008–2012. The Strategy aims to build a new economy to promote strong average yearly growth (7 per cent) to benefit the most disadvantaged groups and encourage sustainable human development. The objectives to be achieved by 2015 are:

- Sanitation and nutrition;
- Education levels;
- Environmental balance;
- Access to justice, energy and drinking water;
- Participation in decision-making;
- Improved access for towns and rural areas through the provision of infrastructure and greater availability of new information and communications technologies.

Social and cultural developments

71. The Accelerated Development and Poverty Reduction Strategy links these two sectors with the economic sector, whose objectives contribute to their development.

72. The Strategy recognizes that inequality has negative effects on growth and its contribution to poverty reduction. Effective mechanisms are planned to mitigate risk factors and provide social protection in order to create conditions for growth that benefits the poor. Additionally, several measures have been adopted in the different sectors to ensure the better distribution of productive resources and increase the opportunities for women, men, children, young people, older persons and persons with disabilities to participate in economic activity and to benefit from it.

73. Furthermore, in order to develop a mature, well-informed and responsible younger generation in the Niger, the Government will continue to implement the social protection programme for children and the training and employment programme for young people; the success of these programmes will prevent young people from falling into idleness, crime, drug abuse and delinquency.

(a) Guaranteeing gender equity

74. The national gender policy reflects the Government's vision of equality and equity between the sexes in all areas. Accordingly, its strategic priorities are based on a comprehensive approach that considers the needs of men and women, the various areas of life where balance needs to be restored and the multifaceted obstacles that lie on that path. The aims in implementing the national gender policy are to:

- Ensure that the gender dimension is systematically taken into account in all areas and at all levels;
- Guarantee and monitor equal opportunities and equal access to resources for men and women;
- Create a favourable environment for the implementation of strategies that take gender into account;
- Review the national policy on the advancement of women;
- Implement a strategy for improving the coordination of gender-related activities;
- Promote research and the dissemination of disaggregated data in all areas so as to demonstrate the contribution of men and women to development and allow suitable corrective measures to be adopted;
- Support the implementation of international conventions and recommendations from global summits on the rights of children and women;
- Strengthen the legal, juridical, institutional and social framework, facilitating the application of the Convention on the Rights of the Child, the Convention on the

Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Labour Organization Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

- Prevent and rectify abuse, violence and discrimination against children and women, including where these involve domestic violence, repudiation, early marriage, female genital mutilation, children in conflict with the law, child labour, child trafficking, slavery and prostitution;
- Raise awareness among families and strengthen the skills of associations and NGOs regarding the defence and promotion of the rights of children and women;
- Advocate the mobilization of resources to benefit children and women;
- Promote the participation of women and young people in the decision-making and management processes.

(b) Protecting children

75. The priority activities in this area will aim to:

- Guarantee the availability of reliable, disaggregated data on children;
- Ensure that care is provided for street children, children in conflict with the law, victims of child trafficking, child victims of sexual and economic exploitation (bringing an end to child labour) and child victims of domestic abuse;
- Ensure that the revised national child protection policy is adopted and implemented;
- Adopt and implement the Children's Code, the national policy on combating the sexual exploitation of children, the national policy on care for orphans and other vulnerable children, the policy on the comprehensive development of young children and the national plan for the survival, protection and development of the child;
- Adopt alternative strategies to the detention of minors in prisons;
- Promote the socioeconomic reintegration of vulnerable children;
- Reduce violence towards children, particularly young girls (e.g. early marriage and female genital mutilation);
- Proceed with the review of the workplan on combating child domestic labour.

(c) Promoting the development of young people

76. The political determination to promote the development of young people is reflected by the growing interest in this important group of the population. Thus, a National Youth Council has been set up and a Youth Parliament established to inform young people about the management of public affairs and better prepare them for participation in the process of developing the country.

77. In order to stimulate this participation and ensure that the Niger will be ready to meet the Millennium Development Goals, a series of national meetings is planned for young people from all the representative groups to collate their proposals regarding the problems and difficulties they face. Within this framework, reforms will be initiated to lead on to projects such as a review of the policy on young people with a view to adapting it to the national context and priorities. A series of measures affecting young people will thus be adopted, focusing on the following areas:

- Mobilization and participation of young people;
- Promotion of young people's involvement in the community;
- Preparation of young people for studying for qualifications and entering employment;
- Health promotion and greater social integration of young people;
- Promotion of social and educational activities and healthy leisure pursuits among young people;
- Access to economic resources and means of production for young people;
- Promotion of extracurricular education and life skills among young people;
- Promotion of access to information and documentation for young people;
- Strengthening of the capacities of the Youth Parliament.

(d) Developing social protection for disadvantaged persons

78. The National Policy on Social Development will serve as an operational framework for implementing the different measures intended to mitigate risk factors and ensure social protection. In particular, it will serve to enhance measures aimed at preventing extreme poverty, such as promoting labour-intensive projects in times of economic crisis and combating discrimination against persons with disabilities.

79. Similarly, it is planned to establish targeted safety nets, in particular through the distribution of food rations, the sale of goods at lower prices, contributory pension plans and mutual health insurance schemes, in order to reduce the impact of natural and economic shocks on vulnerable persons. More specifically, the following objectives will be pursued:

- Legal protection for persons with disabilities;
- The social promotion of persons with disabilities;
- The promotion of income-generating activities for poor families;
- Social protection for prisoners;
- Social protection for persons with mental health and other problems;
- Support for older persons;
- Assistance with the gradual and lasting rehabilitation of disaster victims, displaced persons and refugees.

80. In response to the low level of social security coverage among the population, the absence of coverage against sickness and loss of employment and the inadequacy of social benefits, the Government is endeavouring to stimulate the social security system by: (i) promoting employment in the formal and informal sectors; (ii) launching a tripartite consultative process and encouraging the greater involvement of State and private-sector workers in issues surrounding social security; and (iii) supporting the financing of social security regimes. To that end, it will examine the possibility of extending social security coverage to population groups not covered by the current system, plan the introduction of a health insurance system, support the promotion of an employment policy and increase the benefits currently paid. It will also move towards a supplementary pension regime based on a capitalization scheme to allow employees to devote a bigger portion of their income to improving their living conditions after retirement, and encourage a participatory approach towards the implementation of health microinsurance.

Article 3

81. There is no apartheid in the Niger and its Constitution prohibits all forms of discrimination. Article 8 of the Constitution states that: “The Republic of the Niger is governed by the rule of law and guarantees all persons equality before the law, without distinction as to sex or social, racial, ethnic or religious origin. The State respects and protects all beliefs. No proponents of a particular religion or belief may claim political power or interfere in the affairs of State. Any propaganda of a regionalist, racist or ethnic nature or manifestation of racial, social, gender-related, ethnic, political or religious discrimination is punishable by law.”

82. The incorporation of these principles in the Constitution indicates the will of the State of the Niger to respect its international commitments. That same will is asserted in the Criminal Code, article 102 of which states that: “Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other is punishable by 1 to 5 years’ imprisonment and restricted residence.”

83. Racial segregation does not exist in the Niger. Nevertheless, the State of the Niger has made suitable provision for preventing and combating all forms of racial segregation, implemented by means of judicial and administrative mechanisms that can be freely accessed by any victim of such an offence.

84. The Constitution of 25 November 2010, in line with all the country’s Constitutions since 1999, provides for the creation of a National Human Rights Commission, an independent administrative authority tasked with ensuring the promotion and effectiveness of the rights and freedoms enshrined in title II of the Constitution (arts. 10 to 45). A process to bring the new Commission into line with the Paris Principles is under way.

85. The categorization of citizens based on race, colour or national or ethnic origin is forbidden and the State ensures respect for the principles of equality and social justice. For example, convictions in discrimination cases have resulted from legal proceedings before the courts. In its decision No. 11-119/P of 5 May 2011 in the case of *Assibit Wannagara, Iguinat Annakoye and the Timidria Association vs. the public prosecutor’s office and Tafane Abouzeidi*, the judicial chamber of the Court of State voided a decision of the Niamey Appeal Court. The Appeal Court had acquitted Tafane Abouzeidi of slavery offences because it had failed to examine some reported factual elements, namely the servile status and the degrading, demeaning and humiliating treatment of the petitioners, and had thus declared Abouzeidi not liable for all the acts proving that he had kept the petitioners in a condition of servitude.

86. The State has established mechanisms to monitor any trends likely to cause racial segregation and ghettoization.

87. Ghettoization, which is defined as isolation resulting from many different discriminating factors such as social, racial or ethnic origin and poverty, does not exist in the Niger.

88. In addition to the measures adopted by the State, NGOs and development organizations are active in the fight against discrimination. They play a significant role in monitoring and raising the alarm, reporting all discrimination brought to their attention to the public authorities, and carry out awareness-raising and information activities relating to discrimination and its social and economic consequences for the country.

89. For example, as part of the celebrations of the sixty-second anniversary of the Universal Declaration of Human Rights, the Ministry of Justice and NGOs, in partnership with the United Nations Coordination Unit, led several activities to raise awareness of the

fight against all forms of discrimination. They covered areas such as slavery, AIDS, persons with disabilities and women.

90. By ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the Niger committed itself to adopting all measures necessary to eliminate discrimination at the national level. This commitment is fulfilled through the incorporation of this principle in the Constitution and anti-discrimination legislation. In order to give effect to the Convention, protection measures for persons vulnerable to discrimination because of their ancestry or nationality have been adopted. For example, in the area of education, the Outline Act on the education system provides for free primary education, and all children, whether nationals of the Niger or not, benefit from that right as long as they are resident in the territory of the Republic.

91. The right to housing is enshrined in article 28, which provides that “All persons have the right to property. No one shall be deprived of his or her property except in the public interest and subject to fair and prior compensation.” This provision, which confirms that discrimination relating to the right to housing does not exist in the Niger, is supplemented by laws and regulations determining the conditions for exercising this right.

Article 4

92. Through the different Constitutions in force since the advent of democracy in the country in 1991, the people of the Niger have expressed their resolute commitment to building a State governed by the rule of law that respects human rights, political pluralism, the strengthening of national unity, participatory development and the fight against all forms of discrimination.

93. As part of the fight against racial discrimination, the Niger has ratified the International Convention on the Elimination of All Forms of Racial Discrimination. It has also adopted legislative, administrative, judicial and institutional measures giving effect to the provisions of article 4 of the Convention.

94. It should be recalled that the Niger is party to several international human rights instruments and has always stated its adherence to the principle of the rule of law. Article 8 of the new Constitution provides that: “The Republic of the Niger is governed by the rule of law and guarantees all persons equality before the law, without distinction as to sex or social, racial, ethnic or religious origin. The State respects and protects all beliefs. No proponents of a particular religion or belief may claim political power or interfere in the affairs of State.”

95. Title II, chapter 1, of the Criminal Code addresses crimes and offences of a racial, regionalist or religious nature. Article 102 of the Code therefore criminalizes and penalizes with 1 to 5 years’ imprisonment and restricted residence any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other.

96. Paragraph 2 of the same article continues: “When the purpose or effect of an act of racial or ethnic discrimination or regionalist propaganda or an infringement of freedom of conscience or freedom of worship amounts to an offence against the security of the State or the integrity of the territory, the perpetrator or instigator shall be prosecuted as a co-perpetrator or an accessory, depending on the case.”

97. Similarly, article 208.3 of that Code provides that: “The following grave offences which, by action or omission, cause harm to persons or property protected under the Conventions signed in Geneva on 12 August 1949 and under Additional Protocols I and II to those Conventions adopted in Geneva on 8 June 1977 are war crimes punishable in

conformity with the provisions of the present chapter: practices of apartheid and other inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination.”

98. The Niger has adopted appropriate measures to give effect to article 4, paragraph (b), of the Convention, which requires that State parties declare illegal and prohibit associations, and also organized and all other propaganda activities, which promote and incite racial discrimination, specifically Ordinance No. 84-6 of 1 March 1984 on associations and Implementing Decree No. 84-49/PCMS/MI of 1 March 1984 concerning procedures for the implementation of the Ordinance on associations in the Niger.

99. Article 2 of the Ordinance provides that: “Any association based on a cause or founded for a purpose contrary to the laws and regulations in force or to morality, or for the purpose of violating public order, the integrity of national territory or the form of government is void.” Paragraph 2 of the article specifies that associations of a regional or ethnic nature are prohibited and, under paragraph 3, such associations are defined as follows:

- Any association aiming to maintain the characteristics of a region, ethnic group or the vestiges of racial origin in another region of the Republic of the Niger;
- Any association of citizens from a department, arrondissement, town, commune, canton, village or tribe of the Niger who are resident in other departments, arrondissements, towns, communities, villages or tribes in the country.

100. Furthermore, the Ordinance permits the creation of other types of association, such as youth or school associations, sports and cultural associations and associations for foreigners.

101. Title IV of the Ordinance deals with the dissolution of associations. Article 26 states that any association that fails to conform to the provisions of the Ordinance may be dissolved by decision of the Ministry of the Interior after it has been given notice to regularize its situation within a specified time frame.

102. These administrative sanctions apply without prejudice to criminal proceedings against individual association members. The penalty may range from a prison sentence to the removal of some civic rights, or even restricted residence. Conviction is accompanied by the legal dissolution of the association.

103. To ensure social cohesion and strengthen national unity among the different ethnic groups that make up the population, the State has established the “joking kinship week”, which was extended to a month by Decree No. 2010-795 PCSRD/MCNTI/C of 16 December 2010. Aware of the dangers and conflicts of identity that increasingly threaten social cohesion and cultural practices, in 2007 the Niger decided to establish “joking kinship” throughout its territory. The practice helps to strengthen social solidarity, unity and harmony between the different population groups, who share the same joys and sorrows, in an atmosphere of complementarity and cohesion.

104. In order to promote this cultural practice across the subregion, and even across the world, in March 2011 the Niger prepared and submitted its application for “Practices and expressions of joking relationships” to be included on the United Nations Educational, Scientific and Cultural Organization (UNESCO) Representative List of the Intangible Cultural Heritage of Humanity.

105. With regard to rural land ownership, the land commissions constitute a framework for dialogue, reflection and decision-making regarding the management of natural resources and conflict prevention. They bring together all those involved (the administration, traditional authorities, civil society representatives, women and young people) and lead

activities to raise awareness of the provisions applicable to the management of natural resources, namely the delimitation of community spaces, detailed analysis of natural resources, appraisal of land development and granting of land rights.

106. As part of the regulation of labour, the National Labour Council was created by Decree No. 2005-149/PRN/MFP/T of 12 June 2005. Pursuant to Article 2 of the Decree, the National Labour Council is a permanent tripartite body for consultation and dialogue in the area of labour and related social problems.

107. Other significant measures have been taken by the State of the Niger to celebrate national harmony through the observance on 24 April of a special day to mark the country's commitment to the important humanist values of peace, fraternity, tolerance and unity.

Article 5

A. The right to equal treatment before the tribunals and all other organs administering justice

108. The preamble of the Constitution of 25 November 2010 states that the sovereign people of the Niger is committed to building a State governed by the rule of law that guarantees, as fundamental values of its society, collective and individual rights, such as freedom, justice, dignity, equality, safety and well-being.

109. In addition, the principle of the equality of all before the public justice system is enshrined in article 8 of the Constitution, which states that "the Republic of the Niger is governed by the rule of law and guarantees all persons equality before the law without distinction". To ensure that equality is observed, law-enforcement officials (judges and legal officials) are trained in respect of human dignity, physical integrity, fair trials and human rights.

110. Judges and legal officials receive training in their field's codes of ethics and conduct, which define appropriate behaviour for ensuring that justice is administered in keeping with the principles of fairness, equality, neutrality, impartiality and non-discrimination.

111. As part of the career training and staff development of judges and legal officials, schools and training centres have incorporated human rights in their curricula, including modules on civil, political, economic, social and cultural rights, the elimination of all forms of racial discrimination and of discrimination against women, the rights of children, persons with disabilities and migrant workers, the special procedures and the treaty bodies.

112. Thanks to the support of bilateral and multilateral partners, the Government has designed human rights training manuals for the police (2004), the National Guard (2006) and the judiciary (2010). In addition, a core group of judges has been trained by human rights instructors.

113. As part of capacity-building on human rights promotion and protection for members of the justice system, several training sessions were provided to judges and legal officials through a cooperation programme between the Niger and the United Nations system. Between 2009 and 2011, some 100 judges received training in standards for the promotion and protection of human rights. As to legal officials, two sessions were held for lawyers and one for criminal investigation officers.

114. Regarding the supervision of judges and legal officials, there are oversight and investigation mechanisms in place to ensure appropriate administration of justice: they provide administrative oversight (inspections) of the justice system to ensure that it runs

smoothly and to punish individual acts committed by judges and legal officials in the performance of their duties.

115. The mandate of the inspectorate-general of judicial services includes:

- Ensuring that the courts apply laws and regulations to the letter;
- Conducting regular and continuous monitoring of the activities of all the courts, apart from the Court of Cassation, the Council of State and the Court of Auditors;
- Auditing all registers and receipts kept by court clerks;
- Auditing the use of funds allocated to the courts;
- Reviewing the operations of the services;
- Centralizing and applying inspection reports;
- Reviewing the use of the equipment provided to the courts;
- Preparing reports of administrative investigations into judges or other officials under the jurisdiction of the Minister of Justice against whom proceedings may be brought;
- Assessing the operations of the courts under inspection;
- Preparing inspection reports and submitting them to the Minister of Justice within 15 days;
- Preparing quarterly and annual reports of its activities.

116. Judges are obligated to abide by the law and procedures; failure to do so can result in decisions being set aside or overturned.

117. Lawyers, bailiffs and solicitors have their respective oversight bodies, namely, the bar association, the bailiff association and the law society. These professional associations take disciplinary action either of their own volition or in cooperation with the State or district prosecuting authorities.

118. When a complaint of discrimination is made against a judge, the Ministry of Justice launches an investigation to assess the allegations and determine a course of action.

119. Access to the civil service and to government jobs in general is open and not subject to any restriction, distinction or exclusion based on sex, race, ethnicity or any other grounds. The recruitment of judges and other law-enforcement officials as well as the practice of related professions are guided by the principle of non-discrimination.

120. These professions and occupations are open to all nationals of the Niger without discrimination on grounds of race, gender, ethnicity or social origin.

121. Regarding political parties, article 9, paragraph 3, of the Constitution stipulates that: "Political parties of an ethnic, regionalist or religious nature are prohibited. No political party shall be formed for the purpose of advancing a particular ethnic group, region or religion, subject to penalties under the law."

122. Moreover, article 8, paragraph 3, of the Constitution states that: "Any propaganda of a regionalist, racial or ethnic nature or manifestation of racial, social, gender-related, ethnic, political or religious discrimination shall be punishable by law."

123. Similarly, article 2 of Ordinance No. 84-06 of 1 March 1984 on associations states that: "Any association based on a cause or founded for a purpose contrary to the laws and regulations in force or to morality or founded for the purpose of violating public order, the integrity of the national territory or the form of government is void. Associations of a regional or ethnic nature are prohibited."

124. Under article 102 of the Criminal Code: “Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of worship that is likely to set individuals against each other is punishable by 1 to 5 years’ imprisonment and restricted residence.”

125. “When the purpose or effect of an act of racial or ethnic discrimination, regionalist propaganda or an infringement of freedom of conscience or worship amounts to an offence against the security of the State or the integrity of the territory, the perpetrator or instigator shall be tried as a co-perpetrator or an accessory, depending on the case.”

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

126. To give effect to the provisions of the Convention, article 11 of the Constitution stipulates that “human beings are sacred; the State has an absolute obligation to respect and protect them”. Pursuant to article 12, paragraph 1, “every individual has the right to life, health and physical and moral integrity (...) under the conditions defined by the law”. Violations of these provisions constitute criminal offences punishable in proportion to the nature and severity of the violation.

127. Articles 108 to 133 of the Criminal Code set forth the acts that constitute a misdemeanour or an offence when committed by State officials, and their associated penalties.

128. Thus, murder and bodily harm, without discrimination on the grounds of race, ethnicity, social origin or gender, are subject to penalties laid out in chapter 2, articles 222 to 229, of the Criminal Code under the heading “Intentional assault and other intentional offences”.

129. Similarly, administering harmful substances and endangering a person’s life are punishable under articles 230 and 230.1 of the Criminal Code. Act No. 2003-25 of 13 June 2003 protects women, irrespective of their racial, cultural or ethnic origin, from female genital mutilation by criminalizing the practice under articles 232.1 to 232.3 of the Criminal Code. The Code also criminalizes castration.

130. Under civil law, human beings are entitled to respect for their privacy. Articles 7 and 8 et seq. of the Civil Code provide for the protection of one’s image.

C. Political rights

131. Political rights are guaranteed under the provisions of the Constitution of the seventh republic. Article 6 stipulates that “the people exercises its sovereignty through its elected representatives and by way of referendums”. Article 7, paragraph 2, defines electors as “nationals of the Niger of either sex who are 18 on the day of the vote, or are emancipated minors, and enjoy their civil and political rights”. Under article 10, all nationals of the Niger are born free and with equal rights and obligations.

132. The basic Act of the Niger also guarantees that all nationals, irrespective of their social, racial or ethnic origin, can stand in presidential, legislative and local elections, subject to the conditions stipulated in articles 47 and 84; the same principles also apply to the territorial authorities.

133. However, access for certain categories of the population, such as persons with disabilities, women and young people, to elected office and government jobs may be facilitated by special measures provided for by law.

134. Ordinance No. 93-012 of 2 March 1993 sets forth the minimum rules regarding the social protection of persons with disabilities. Under article 21, all public or private businesses with at least 20 employees must reserve 5 per cent of their posts for such persons. Thus, between 2007 and 2009, 150 graduates with disabilities were recruited into the civil service. Moreover, pursuant to article 9 of Decree No. 96/456/PRN/MSP, persons with disabilities are 100 per cent exempt from hospitalization fees.

D. Other civil rights

135. These rights are enshrined in the basic Act and other subsequent texts. Article 30 of the Constitution stipulates that: “All persons have the right to freedom of thought, opinion, expression, conscience, religion and worship.”

136. Ordinance No. 2010-35 of 4 June 2010 on freedom of the press, Act No. 2007-26 of 3 July 2007 on the civil service and the Labour Code all guarantee freedom of association, freedom of the press and opinion, freedom of association and open access to government jobs without discrimination on the grounds of race, ethnicity, religion or worship.

137. Article 10 of the Civil Service Act stipulates that: “Access to the civil service is open, on equal terms and without distinction, to all nationals of the Niger who meet the requirements of the post.”

138. Furthermore, article 14 states that: “Civil servants are entitled to the rights and freedoms set forth in the Constitution under the conditions defined in this Act. They may establish, join and hold a mandate in trade unions, insofar as current legislation allows. They are entitled to their political, philosophical and religious opinions; however, these must be expressed outside their duties, with the discretion becoming their office and in accordance with the law. No reference to their opinions may be made in their personnel file.”

E. Economic, social and cultural rights

1. The right to work

139. In order to counter discrimination in employment, the Niger has ratified the ILO Equal Remuneration Convention, 1951 (No. 100) and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

140. All nationals of the Niger have the right to work without distinction as to race, ethnicity or social and cultural origin. Pursuant to article 33 of the Constitution, all citizens have the right to work and the State is obliged to create the conditions conducive to the enjoyment of this right and to fair remuneration of a person’s services or production. The Constitution also states that none may suffer discrimination in the workplace.

141. Article 10 of the Civil Service Act stipulates that: “Access to the civil service is open, on equal terms and without distinction, to all nationals of the Niger who meet the requirements of the post.”

142. Furthermore, article 14 states that: “Civil servants are entitled to the rights and freedoms set forth in the Constitution under the conditions defined in this Act. They may establish, join and hold a mandate in trade unions, insofar as current legislation allows. They are entitled to their political, philosophical and religious opinions; however, these

must be expressed outside their duties, with the discretion becoming their office and in accordance with the law. No reference to their opinions may be made in their personnel file.”

143. Pursuant to article 2, paragraph 2, of Ordinance No. 96-039 of 29 June 1996 on the Labour Code, the determination of worker status is not contingent on the legal status of either the employer or the employee. Article 5 stipulates that: “Subject to the explicit provisions of the present Code and of any other legislative or regulatory text protecting women and children, and of provisions relating to the status of foreigners, an employee’s sex, age, national origin, race, religion, colour, political or religious views, social origin, disability, membership or non-membership of a trade union or trade union activity shall not be taken into account by any employer in making decisions relating, in particular, to recruitment, the conduct and distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment contract. Any conflicting provision or text is void.”

144. Article 148 states that: “Under the conditions set forth in this chapter, all employers must ensure that, for equal work or work of equal value, employees shall be remunerated equally, irrespective of their origin, sex, age or status.”

145. Moreover, article 149 stipulates that: “The various components of remuneration shall be based on the same standards for men and women. Occupational categories and classifications as well as criteria for promotion shall be the same for both sexes. In all cases, performance evaluation must be based on objective criteria relating primarily to the nature of the tasks involved in the job.”

146. Regarding private sector employees, the census carried out by the National Employment Agency in 2010 revealed that 18,853 out of the 66,614 employees were women. Their breakdown by sector is as follows:

- Agriculture: 1.8 per cent, or 341 women;
- Manufacturing: 5.5 per cent, or 1,013 women;
- Extractive industries: 239 women;
- Water and electricity: 10.3 per cent, or 1,903 women;
- Social services: 26 per cent, or 4,798 women.

The report does not mention any employment or occupational discrimination.

147. The table below shows enrolment in vocational and technical education or training in 2011.

| <i>Institutions</i> | <i>Girls</i> | <i>Boys</i> | <i>Total</i> |
|--|--------------|--------------|---------------|
| Community development training centres | 1 583 | 1 735 | 3 318 |
| Secondary schools and centres | 434 | 2 656 | 3 090 |
| Private institutions (80) | 4 072 | 3 532 | 7 604 |
| Total | 6 089 | 7 923 | 14 012 |

2. The right to form and join trade unions

148. Article 9, paragraph 1, of the Constitution of the seventh republic stipulates that: “Pursuant to the freedom of association herein guaranteed, political parties, groups of political parties, unions, NGOs and other associations or groups of associations can be formed freely, provided that they comply with the laws and regulations in force.”

149. Furthermore, article 34 stipulates that: “The State shall recognize and guarantee the right to organize and the right to strike, provided that they are exercised in compliance with the laws and regulations in force.”

150. Article 14 of Act No. 2007-26 of 23 July 2007 (the Civil Service Act) states that civil servants may establish, join and hold a mandate in trade unions, insofar as current legislation allows, without any discrimination. Under article 173 of the Labour Code, individuals in the same, similar or related occupations whose purpose is the production of specific products or those in the same liberal profession are free to form a trade union. All other trade union rights are provided for in articles 174 to 177 and 217 of the Act.

151. The recognition of the freedom of association has fostered trade union pluralism, as demonstrated by the establishment of 11 trade union federations and two employers’ organizations. There have been no cases of union dissolution.

3. The right to housing

152. The right to housing is covered in the provisions of article 12, paragraph 2, of the Constitution, which reads: “The State shall guarantee the satisfaction of each person’s basic needs, the provision of basic services and the full development of all.” These are rights inherent to human beings and whose fulfilment is a State obligation even if, owing to development constraints, it does not have sufficient resources to provide decent housing to all its inhabitants.

153. The goals of Act No. 98-54 of 29 November 1998 on the national housing policy are the following: to establish a national housing fund, a housing bank and an agency for urban restoration and planning; to improve existing housing; to institutionalize housing cooperatives and home savings schemes; and to encourage private investment in real estate. Current national demand is estimated at 40,000 units per year. More than one third of households in the urban community of Niamey live in homes with straw fences, a sign of insecure housing.

154. In 2010, the Government funded the construction of 174 social housing units worth 2 billion CFA francs. It plans to allocate 3 billion CFA francs to continue the programme in 2011.

155. The national housing policy has also led to the construction of housing by the private sector for the benefit of its staff.

156. The right of tenancy is enjoyed by all those living in the territory of the Niger, including foreigners.

157. Population distribution across the national territory occurred organically as a result of sociocultural, ethnic and linguistic factors. It is not a result of any discrimination on the grounds of race, ethnicity or religion.

4. The right to public health, medical care, social security and social services

158. The right to health is enshrined in articles 12 and 13 of the Constitution of the seventh republic. Article 12 stipulates that: “Every individual has the right to life, health, physical and moral integrity, healthy and sufficient food, safe drinking water, education and instruction under the conditions defined by law. The State shall guarantee the satisfaction of each person’s basic needs, the provision of basic services and the full development of all. Each individual has the right to freedom and safety under the conditions defined by law.”

159. Article 13 stipulates that: “Every individual has the right to the highest standard of physical and emotional health. The State shall create the conditions for the provision of medical services and assistance to all in the event of illness.”

160. The right to health is also protected under article 21, paragraph 2, which states that: “The State and the public authorities have the obligation to ensure the physical, mental and emotional health of families, in particular mothers and children.”

161. However, the implementation of this provision is contingent upon financial resources and strong demographic pressure renders the State unable to guarantee adequate health-care coverage.

162. The recruitment of 1,608 health agents (doctors, nurses and midwives) would be necessary.

163. Social security is governed by the provisions of Act No. 2003-34 of 5 August 2003 on the establishment of a socially oriented government institution, or national social security fund, and by those of the ordinance on the Labour Code and the Civil Service Act.

164. Social security coverage is inadequate because of the predominance of the informal sector: 667,935 people, including 282,959 women, work in this sector and are not affiliated with the national social security fund. Agriculture sector workers are not covered by the social security system either. In order to include these sectors, the Government is considering expanding social protection to workers in the informal sector.

5. The right to education and training

165. The right to education is enshrined in article 12, paragraph 1, of the Constitution, which stipulates that “every individual has the right to life, health, physical and moral integrity (...) education and instruction under the conditions defined by law”. This right is also covered in Act No. 98-12 of 1 June 1998 on the education system, amended by Act No. 2007-24 of 3 July 2007.

166. Article 2 of Act No. 98-12 stipulates that all nationals of the Niger have the right to education and the State is obliged to guarantee the education of children aged 4 to 18. Article 8 states that this right is granted to all, without distinction as to age, sex or social, racial, ethnic or religious origin. Similarly, article 14 sets forth the goals of the education system, which include guaranteed education for young people without discrimination and on the basis of equitable access.

167. Not only is education guaranteed for all nationals of the Niger without distinction, in 2008–2009, more than a dozen nationalities were represented at Abdoumoumouni University in Niamey.

Table 8

Breakdown of students by nationality and sex

| <i>Nationality</i> | <i>Men</i> | <i>Women</i> | <i>Total</i> |
|--------------------|------------|--------------|--------------|
| Beninese | 39 | 18 | 57 |
| of Burkina Faso | 8 | 1 | 9 |
| Cameroonian | 27 | 27 | 54 |
| Central African | 1 | 0 | 1 |
| Comorian | 2 | 0 | 2 |
| Congolese | 2 | 3 | 5 |
| Gabonese | 2 | 0 | 2 |
| Ivorian | 5 | 0 | 5 |
| Malian | 5 | 3 | 8 |
| Nigerian | 4 | 0 | 4 |

| <i>Nationality</i> | <i>Men</i> | <i>Women</i> | <i>Total</i> |
|--------------------|--------------|--------------|--------------|
| of the Niger | 7 737 | 1 944 | 9 681 |
| Ugandan | 1 | 0 | 1 |
| Rwandan | 1 | 0 | 1 |
| Chadian | 65 | 17 | 82 |
| Togolese | 19 | 16 | 35 |
| Turkish | 2 | 1 | 3 |
| Total | 7 920 | 2 030 | 9 950 |

Source: Statistical yearbook, Ministry of Secondary and Higher Education, Research and Technology, 2009–2010.

6. The right to equal participation in cultural activities

168. Pursuant to article 17 of the Constitution: “All persons have the right to the free development of their personality in its material, intellectual, cultural, artistic and religious dimensions, insofar as they do not violate the rights of others, the Constitution, the law or morality.”

169. The Constitution prohibits any discrimination in the enjoyment of this right on the grounds of race, religion or ethnicity. The annual national culture festival is testament, if such is necessary, to the fact that the entire population takes part in these activities on an equal footing and without any distinction whatsoever.

7. The right of access to any place or service intended for use by the general public

170. The right of access to any place or service intended for use by the general public is recognized and guaranteed as a general principle of law; therefore, access to government services is not subject to any exclusion.

8. The right to marriage

171. In the Niger, marriage is governed by both customary and civil law; however, most marriages are customary. Act No. 2004-50 on the judiciary stipulates that customs are applicable in matters of family law provided that they do not conflict with international conventions duly ratified by the Niger.

172. The Civil Code provides that men under 18 and women under 15 may not marry; customary law does not provide for a minimum marriage age. Polygamous marriage is governed by custom and religion. Polygamous unions are very widespread in rural and urban areas alike. The rate has not noticeably changed: 38 per cent of women and 24 per cent of men were in polygamous unions in 2008, compared to 36 per cent and 22 per cent in 2006.

173. The courts and the customary authorities have jurisdiction over family disputes. To date, there is no codified family law.

F. Refugees

174. National legislation distinguishes between migrant and non-migrant foreigners, based on their length and purpose of stay. Under article 9 of Ordinance No. 81-40 of 29 October 1981 on the entry and stay of foreigners, the following are considered as non-immigrant foreigners: members of diplomatic missions and/or consular offices and

members of their families; foreign officers, civil servants and other officials authorized to enter the Niger, and their families, for the duration of their mission; and travellers in transit in the country.

175. Foreigners, including refugees and asylum seekers, who do not fall under any of the three categories above are considered immigrants.

176. Migrants in a regular situation are entitled, while in the territory of the Niger, to the same rights and freedoms as nationals, subject to conditions defined by law. However, foreign residents cannot vote in national, regional or local elections or be represented by political parties. They are nonetheless entitled to all fundamental personal rights, such as the right to life, security, equality before the law, freedom of expression, freedom of association, the right to property and freedom of movement throughout the national territory.

177. Pursuant to article 6 of Act No. 97-016 of 20 June 1997 on the status of refugees: "Persons claiming refugee status and recognized refugees may not be expelled, returned or extradited from the Niger except for reasons of national security and public order. Refugees may not be expelled, returned or extradited to territories where their life and/or freedom may be threatened because of their race, religion, nationality, membership of a given group or political opinions."

178. Article 7 outlines strict conditions for the expulsion of a refugee who was regularly admitted to the Niger. Expulsion can only take place following a decision made in accordance with statutory procedure.

179. Under article 10, refugees regularly admitted to the Niger are treated equally with nationals with regard to access to education, health care and housing, personal safety, security of their possessions, freedom to choose their residence and freedom of movement.

180. Article 3 of Act No. 97-016 of 20 June 1997 on the status of refugees and its implementing decree No. 98-382/PRN/MI/AT of 24 September 1998 cover exclusion clauses regarding refugee status. Refugee status is denied to any person who has committed a crime against peace, a war crime, a crime against humanity or a serious non-political crime outside the host country before being admitted as a refugee or has been convicted of conduct contrary to the objectives and principles of African unity or those of the United Nations.

181. Article 6 of the Act addresses the rights of persons claiming refugee status and recognized refugees. They may not be expelled, returned or extradited from the Niger except for reasons of national security and public order. Moreover, refugees may not be expelled, returned or extradited to territories where their life and/or freedom may be threatened. Article 8 stipulates that: "No expulsion measures against a refugee regularly admitted in the territory of the Niger may be executed during the appeal period or, if an appeal has been lodged, for the duration of proceedings. The same provisions apply to persons whose refugee status has been revoked or has expired until appeal periods have run out."

182. With the support of the International Organization for Migration, the Government established two reception and humanitarian assistance centres for migrants in 2009. It also took a number of measures to address the massive influx of people fleeing conflict in Côte d'Ivoire and Libya; for example, it requested the assistance of international institutions, including the Office for the Coordination of Humanitarian Affairs, United Nations agencies working in the Niger and international and national NGOs, such as the International Organization for Migration and the International Committee of the Red Cross.

183. The Government set up the National Commission on Eligibility for Refugee Status via Order No. 208/MI/AT/SP/CNE of 14 July 2008 on the internal regulations of the National Commission.

184. The National Commission falls under the Ministry of the Interior, Security, Decentralization and Religious Affairs and is the government body responsible for the implementation of legal texts and instruments regarding refugees. Its mandate includes:

- (a) Attributing, revoking and terminating refugee status;
- (b) Providing judicial and administrative protection to refugees;
- (c) Implementing legal texts on refugees.

185. The National Commission consists of representatives of various ministerial departments involved in or concerned by refugee matters (e.g. the civil service, defence, public health, education, communication and culture), the National Assembly, civil society (e.g. charities, human rights defence associations, the Red Cross of the Niger, CARITAS-Niger) and, as an observer, the Office of the United Nations High Commissioner for Refugees.

186. To apply for refugee status, claimants must submit a written request to the National Commission along with an identity document and a consultation form. This procedure is free of charge. The National Commission's decisions must be substantiated and notified to both the claimant and the Office of the United Nations High Commissioner for Refugees. Article 14 of Decree No. 98-382/PRN/MI/AT states that: "In the case of a massive influx of persons seeking asylum where it is materially impossible to determine their status individually, the National Commission may decide to grant them refugee status on a group basis." Once the status has been granted, each refugee receives a refugee card and, if necessary, a travel document, as provided for in article 28 of the Convention relating to the Status of Refugees of 28 July 1951.

187. In order to better observe the rights of asylum seekers, the Government adopted Order No. 127/MI/D/DEC-R of 28 March 2006 on the establishment, mandate and functioning of a committee on discretionary remedies. The Order sets forth not only the mandate and composition of the committee, but also the terms of discretionary remedies and the competent authority. The committee's mandate is to consider appeals against decisions of the National Commission, under the authority of the Ministry of the Interior, Security, Decentralization and Religious Affairs. Claimants must request a discretionary remedy within 60 days of notification of the decision of the National Commission regarding their eligibility. This procedure is free of charge. If claimants lose their appeal before the committee, they may, pursuant to the law, bring their case to the competent national courts.

188. In addition to the National Commission and the committee, a permanent secretariat has been set up under the National Directorate for Civil Status and Refugees. It is tasked with the technical preparation of asylum seekers' files for submission to the National Commission and the committee. It also ensures that the decisions of both bodies are correctly executed.

189. Refugees are awarded six months' humanitarian assistance to ease their social integration in the Niger.

Article 6

190. The commitment to the rule of law and the principle of a pluralist democracy is expressed in the preamble of the Constitution. Article 8 thus states that: "The Republic of

the Niger is governed by the rule of law and guarantees all persons equality before the law, without distinction as to sex or social, racial, ethnic or religious origin.”

191. The fact that all nationals of the Niger have equal rights and obligations is enshrined in article 10, while article 11 states that human beings are sacred.

192. Under article 102 of the Criminal Code: “Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other is punishable by 1 to 5 years’ imprisonment and restricted residence.”

193. Free and equal access to work for all without discrimination is guaranteed under the Labour Code. Anyone living in the territory of the Niger who meets the statutory conditions can aspire to a job without any discrimination whatsoever.

194. Thus, the legal framework guarantees the principle of non-discrimination and, consequently, the equality of all before the law.

195. Individuals who consider themselves to be victims of discrimination may apply to the courts for redress or reparation.

196. Article 117 of the Constitution stipulates that: “Justice is rendered in the national territory on behalf of the people and in strictest compliance with the rule of law and the rights and freedoms of each individual. All are subject to legal decisions, public authorities and individuals alike. They may only be challenged through the means and in the manner provided for by law.”

197. Act No. 2004-05 of 22 July 2004 on the order and jurisdiction of the courts provides for the general principle of appeals against judicial decisions.

198. Access to justice in the Niger is free and without charge. Thus, individuals who consider themselves to be victims of any type of discrimination can apply to the competent court for reparation. For example, a woman in a polygamous union who feels discriminated against can request a divorce.

199. The law provides for a number of options, including civil reparation pursuant to article 1382 of the Civil Code, which obliges any person who causes harm to repair it.

200. There are no recorded decisions of either the labour court or the labour inspectorate regarding racial discrimination.

201. In cases of racial discrimination, the types of reparation and redress provided for under national law are payment of damages and reinstatement with restoration of all prior benefits.

Article 7

202. The Niger ratified the UNESCO Convention against Discrimination in Education in 1968 and adopted the Dakar Framework for Action: Education For All in 2000.

203. The Education Act provides for the right to education of children with disabilities, as does Ordinance No. 93-012 of 12 March 1993, which sets the minimum rules regarding the social protection of persons with disabilities. There are three schools for the hearing impaired (Niamey, Maradi and Zinder) and one for the blind in Niamey, as well as five inclusive classes for the blind in mainstream public schools (Konni, Maradi, Zinder, Agadez and Tahoua).

204. In 2007–2008, 995 children with disabilities attended specialized education institutions, compared to merely 424 in 2000. Girls represent 36 per cent of all enrolled children with disabilities.

205. The Government is taking steps in the area of special needs education, such as providing school meals to nomadic children.

206. Innovative projects have been under way since 2004–2005 to reach children in rural areas where settlements are dispersed and those in nomadic areas. Alternative rural schools provide primary education in multilevel classrooms to improve access to education. As explained by Louis-Martin Essono in *Les Classes Multigrades: pour développer la scolarisation en Afrique*: “Multilevel classes, as opposed to conventional single-level classes, group several levels or several divisions that are placed in the same room under a single teacher who is responsible for children of different ages, abilities and levels.”

207. The Niger acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1999. However, it expressed reservations as to certain provisions, such as the adoption of appropriate measures to abolish all customs and practices discriminatory towards women, especially in matters of inheritance, and the modification of social and cultural behavioural patterns regarding men and women.

208. Very few women have access to information owing to limited means of communication (radio, television, newspapers, civil society).

209. Despite these limitations, a number of initiatives have been put in place by the Government, with the assistance of the programme to support the justice sector and the rule of law, to make the justice system more accessible to the public. These have included services (e.g. legal assistance) for vulnerable groups, such as women and children. Organizations such as the Association des femmes juristes du Niger and the National Human Rights Defence Association have also been active in providing legal assistance to vulnerable population groups, especially children and women.

210. In order to increase awareness of and education about human rights in general and discrimination in particular, the Niger holds events every year to highlight, inter alia, the Day of the African Child, World AIDS Day, Human Rights Day, International Women’s Day, the International Day of Persons with Disabilities, World Humanitarian Day, the International Day for Mine Awareness and Assistance in Mine Action, World Refugee Day, 16 Days of Activism Against Gender Violence, International Women’s Day in the Niger, International Migrants Day, Universal Children’s Day, National Women’s Day and the World Day against Child Labour.
