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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Niger

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Niger was held at the 13th meeting on 1 February 2011. The delegation of Niger was headed by Abdoulaye Djibo, Minister of Justice and Human Rights, Keeper of the Seals. At its 17th meeting, held on 4 February 2011, the Working Group adopted the report on Niger.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Niger: Angola, Russian Federation and Saudi Arabia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Niger:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/NER/1 and Corr.1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NER/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NER/3).
4. A list of questions prepared in advance by Belgium, Denmark, Finland, France, Germany, Latvia, the Netherlands, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Niger through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Abdoulaye Djibo, Minister of Justice and Human Rights, Keeper of the Seals, said that since the establishment of the Supreme Council for the Restoration of Democracy on 18 February 2010, Niger's supreme authorities had been endeavouring to meet the three basic commitments made to the Nigerian people: restoration of democracy, reform of public finances and national reconciliation.
6. The first commitment was being met by adhering to the electoral timetable: holding of a constitutional referendum on 31 October 2010; adoption of a new Constitution; regional and municipal elections on 10 and 11 January 2011; and, since 31 January 2011, first round of the presidential and legislative elections. Action with regard to the other two commitments depended on the commissions set up to that end.
7. The Universal Periodic Review process had been conducted in a participatory and inclusive fashion and the national report was divided into seven chapters some of which had been drawn up by the delegation.
8. Niger placed a human-rights based approach at the centre of all its political strategies and development projects and programmes, and it was supported in that process by civil society organizations and its development partners.
9. Niger had ratified most of the basic international human rights instruments and, in so doing, the State had agreed to respect the obligations arising from them and to give

practical expression to its commitment in domestic law. Niger was developing strategies for approval of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Moreover, it had just begun the process of ratifying the African Charter on Democracy, Elections and Governance.

10. The Constitution of Niger proclaimed the country's commitment to the values of pluralistic democracy and human rights as defined by the international and regional instruments mentioned above. The Constitution also guaranteed human rights, including the right to life, security of the person and privacy.

11. The representative of Niger said that those rights were also subject to specific laws, relating in particular to possible restrictions of those rights which might justify recourse to certain measures. Nevertheless, following the re-establishment of peace and stability in the country, the current authorities had set up a High Authority for National Reconciliation and the Consolidation of Peace.

12. The Constitution also guaranteed freedom of religion, expression and association, and exercise of those rights was governed by various laws and regulations. The right to information was guaranteed by law. The Transition Authorities had adopted a charter on access to public information and an order decriminalizing press offences, and the High Commissariat for Computer Science and New Information and Communication Technologies had been established.

13. Participation in public and political life was guaranteed under the Constitution subject to laws governing the conditions under which it was exercised. Access to justice was open and free of charge. Niger was endeavouring, in cooperation with its technical and financial partners, to make that access effective and to bring the courts closer to citizens by reducing litigation costs and improving the legal framework and the judicial system.

14. In the field of education, Niger had made great sacrifices in order to increase the enrolment rate at different levels of instruction. A ten-year educational development programme had been implemented to achieve Millennium Development Goal No. 2 and was demonstrating increasingly good results. The right had been enshrined in the Constitution, but the effectiveness of the commitments mentioned above was undermined by sociocultural constraints, inadequate financial resources, a weak infrastructure and a lack of qualified teaching personnel.

15. Niger had ratified 36 International Labour Organization (ILO) conventions, including the 8 basic conventions, and had endorsed the ILO decent work country programmes. Freedom of association was also guaranteed in Niger, which had some 10 trade union federations and 2 employers' organizations. Niger had adopted a national employment policy framework document.

16. Niger had endorsed the health-related Millennium Development Goals. It had also adopted a health policy declaration, a health development plan and a road map for combating maternal and neonatal mortality.

17. In response to its repeated food crises, Niger had taken the innovative step of guaranteeing the right to food and access to potable water in its Constitution. Its goal was to achieve an 80 per cent rate of access to potable water by 2015.

18. The representative of Niger also reviewed the many activities designed to implement the specific rights of women, children and the disabled. In respect of women, the representative mentioned the 2008 national policy on gender, the 1999 national social development policy, specific measures criminalizing some forms of violence against women (slavery, female genital mutilation, trafficking in persons) and free-of-charge

services including Caesarean deliveries, cancer detection and care for women, prenatal care and family planning.

19. With regard to children, the representative drew attention to the law on civil status, in particular the provision on universal and free-of-charge registration at birth of children aged 0 to 15; laws relating to juvenile courts and the orientation of the Niger education system; the national child protection policy and the policy of free care for children aged 0 to 5. Other child protection measures had been integrated into the Criminal Code and in other specific texts.

20. Disabled persons were exempt from all hospital costs by virtue of legislative and regulatory provisions.

21. Niger had taken several measures to improve its citizens' living conditions, but their impact was dependent on the State's limited resources. Niger had many expectations. Its representative had focused solely on those relating to capacity-building for human rights stakeholders and to technical assistance, which was one way for Niger to achieve its objectives, namely, development and implementation of a human rights action plan, support for report preparation, and socio-political management of conflicts.

22. The head of the delegation thanked all Niger's bilateral and multilateral partners, which had always supported it in its efforts to consolidate the rule of law and promote good governance.

23. Niger remained aware of the scope of the problems it was facing, the obligations arising from its human rights commitments and the related expectations and difficulties. Niger called on the international community to support it in its determination to combat poverty and impunity and to carry out the reforms needed to consolidate the rule of law.

B. Interactive dialogue and responses by the State under review

24. During the interactive dialogue, 32 delegations made statements. A number of delegations welcomed the participative approach taken to the drafting of the national report and the comprehensiveness of the report, as well as the commitment shown by Niger to the universal periodic review mechanism. Recommendations made during the dialogue are to be found in section II of the present report.

25. Saudi Arabia noted that the National Observer for Human Rights operates in compliance with national legislation and international standards to which Niger is party. Saudi Arabia also noted that Niger has signed a significant number of international conventions and that its national report showed significant efforts in the field of education, in particular obligatory primary education. Additionally, Niger has stressed protection of children, preschool education, and education of girls to improve their situation. Niger has many projects on the dissemination of knowledge and information on human rights; some of which are in Arabic language. Saudi Arabia made recommendations.

26. Belgium deplored the fact that the current legislation in Niger retained the death penalty although it had not been applied since 1975. Belgium also expressed concerns at various types of discrimination against women and girls, in particular traditional practices, such as the *Wahaya* or female genital mutilation, which are widespread in the country in spite of their criminalization. Belgium made recommendations.

27. Canada welcomed the Transitional Government's engagement with human rights, emphasized by the decriminalization of press offences, respect for freedom of expression, association and assembly, and certain reforms of the Criminal Code. Canada expressed concern over Niger's food crisis that. It noted the Transitional Government has recognized the seriousness of the crisis and works together with the international community to find a

solution. While hoping that the new Government, which will start its works in April 2011, will pursue efforts in favour of an increased protection of human rights and democracy, Canada noted the persistence of challenges such as impunity, gender equality, violence against women, and child trafficking and low level of literacy. Canada made recommendations.

28. Turkey supported Niger's efforts in re-establishing democracy and constitutional order and welcomed the timeline for transition to democracy. It welcomed the new Constitution and that the death penalty had not been applied since 1975 but encouraged Niger to take the necessary measures to abolish it. It welcomed women's education and participation and saluted Niger's Penal Code which severely punishes FGM, slavery and procurement of prostitution. It expressed concern that Niger suffered drought, famine and malnutrition and underlined the need for the international community's support. Turkey made a recommendation.

29. Slovenia commended Niger for the introduction of new provisions, in June 2010, into the Penal Code of 2003 abolishing FGM and asked the Government about concrete measures to put those new provisions in practice. It also asked whether the mentioned changes in the Penal Code include the elimination of the practice known as *Wahaya*, girls serving as concubines of wealthy or eminent persons, and what measures have been taken to eliminate this practice. Noting that Niger was party to most of the core universal human rights instruments, Slovenia asked Niger about the envisaged timeline for reporting to treaty bodies. Slovenia made recommendations.

30. France noted the de facto moratorium on executions put in place since 1976 but that Niger had not yet formally abolished capital punishment. France further noted that the national report did not address human rights training of law enforcement officials or provisions in order to punish possible human rights violations committed by them. While acknowledging the efforts made by Niger, France noted that women were still victims of discriminatory and harmful traditional practices. France made recommendations.

31. Brazil was encouraged by the improvement of access to education. It noted the role of school canteens in increasing the number of students in nomadic areas. It welcomed Niger's cooperation with OHCHR and that no special rapporteurs' visits were pending. Brazil expressed concern over gender-related crimes, including female genital mutilation and noted efforts to prevent this violence. It highlighted the human rights impact of transnational companies' operation and hoped Niger would follow up on the issue. It made recommendations.

32. Spain recognized the evolution of human rights protection in Niger and welcomed the new Constitution. It also welcomed the fact that the death penalty had not been applied since 1976. It made recommendations.

33. Cuba highlighted the fact that despite Niger's important natural resources, its population faces challenges aggravated by the global crisis and international plunder and exploitation, the principal causes of Niger's underdevelopment. It welcomed Niger's accelerated 2008–2012 development strategy, highlighting that education was free. Cuba also welcomed several programmes to improve access to health, which led to the improvement of various health indicators. It noted Niger's measures to fight food insecurity and improve access to drinking water. It made recommendations.

34. The United Kingdom of Great Britain and Northern Ireland asked whether the Government was considering extending an open invitation to the United Nations human rights special procedures. It appreciated the efforts made to implement peace agreements and democracy and welcomed the peaceful conclusion of the first round of elections. It also welcomed steps taken to improve the participation of women in political life and the revision of the Criminal Code so that FGM, slavery and rape are punishable by law. The

United Kingdom stated that violence and customs such as forced marriage remain part of everyday life for many women. It made recommendations.

35. Norway took note of the political and institutional challenges facing Niger after February 2010. It encouraged Niger to take further measures to secure that the rights of women are protected. Norway made recommendations.

36. Germany asked Niger to provide figures on the number of trials opened and sentences passed on such offences as sexual harassment, FGM, slavery and rape. Germany also asked for information on the efforts undertaken or planned to increase the number of lawyers; and for an assessment on the coexistence of codified law and traditional law. Germany wished to know about steps taken to improve the working situation of women in all areas of the country, and not exclusively in the capital. Germany made recommendations.

37. Argentina inquired about measures to strengthen legislative, judicial and assistance mechanisms to combat sexual exploitation and sexual abuse and to punish these conducts. It asked about regulating the right to family providing for equal rights for men and women and about literacy for women and girls. It made recommendations.

38. While expressing appreciation for the effort made by Niger in the field of promotion and protection of human rights, Poland stated that, as indicated in the reports by the CEDAW, CRC and ILO Committees, issues of great importance remain to be addressed. Poland made recommendations.

39. Azerbaijan stated that technical assistance from the international community was important to improve existing capabilities in the sphere of human rights. While noting that Niger was party to the main international treaties, Azerbaijan highlighted that cooperation between Niger and special procedures mechanism was ongoing, as the Special Rapporteur on the right to food visited Niger twice. Azerbaijan commended the steps taken to decrease the national poverty rate and to tackle food scarcity and poverty. It also stated that Niger is on the path of achieving Millennium Development Goal 2 on providing universal primary education through the implementation of a 10-year educational development programme. Azerbaijan made recommendations.

40. Pakistan stated that poverty alleviation remains a major challenge for Niger, and noted the strategy prepared to accelerate development and reduce poverty (2008–2012) aimed at improving social indicators. Historical data reveal that Niger continues to confront shortfalls in domestic production of main crops, on average once every three years, leading to a food crisis. Pakistan was pleased to note that the Government had established the Food Crisis Unit and the Early Warning System Coordination Unit to assess food crisis risk in advance. Pakistan made recommendations.

41. Slovakia noted that institutions relevant to freedom of expression had not fulfilled their role. It welcomed the decriminalization of press offences. It noted CRC's concern over the limitations on civil-society organizations and about the fact that human rights activists face threats and ill-treatment. It noted CEDAW's concern over patriarchal ideologies. It was concerned that ILO had observed an archaic form of slavery in nomadic communities, where slave status was transmitted by birth in certain ethnic groups. It made recommendations.

42. Denmark noted Government's steps towards reintroducing democracy, but was worried about the prevailing culture of impunity, which is perpetuated by amnesties. Denmark welcomed the de facto moratorium on the death penalty, in effect since 1976, but it was disappointed by the refusal of the National Consultative Council to endorse a Transitional Government's proposal for the complete abolition of the death penalty. Denmark made recommendations.

43. Niger welcomed the delegations' questions and recommendations. With regard to the death penalty, the representative of Niger said that the country had a de facto moratorium on the death penalty. The National Consultative Council (CCN) had issued an unfavourable opinion on the existing draft order concerning the death penalty in the hope of launching a major public debate and gaining public support. A three-pronged strategy for the adoption of the reform had already been approved, as had a timetable under which the death penalty was to be abolished before the end of the transition period. Despite the Council's negative opinion, the process had been carried out in accordance with the timetable.

44. Niger had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment but not the Optional Protocol relating to it. The new Constitution prohibited torture and the Criminal Code provided for sanctions against perpetrators of acts of torture. There was consequently no obstacle to adopting a law criminalizing torture. The matter had been brought before a commission tasked with reform of civil and penal law, within the Ministry of Justice and Human Rights. Discussions would be held as a means of launching the process of ratifying the Optional Protocol.

45. With regard to acts of violence committed by the police, the Constitution of Niger guaranteed the right to life, health and physical integrity. The Criminal Code penalized intentional injury to individuals and crimes committed by public officials and dealt specifically with abuse of authority. Niger was striving to establish the rule of law, under which impunity would not be tolerated. Each time human rights violations had been reported to the authorities, an investigation had been conducted. A professional code of ethics for police was ready for adoption.

46. Citizens had open and guaranteed access to the justice system but the distances required to get to court and litigation costs had made such access difficult. Steps had been taken to implement a staff training plan and to establish courts throughout the country. A legal and judicial assistance mechanism for vulnerable groups had been piloted with success. Draft legislation to that end had been drawn up for adoption.

47. An inter-ministerial committee had been set up to deal with delays in submitting reports to treaty bodies. Three reports should be submitted in the near future.

48. As for efforts to combat the practice of female genital mutilation (FGM), a law criminalizing that practice had been adopted in 2003. The State and non-governmental organizations, principally the Nigerian Committee on Harmful Traditional Practices (CONIPRAT), had implemented programmes to combat such practices, and CONIPRAT had also conducted awareness-raising and training activities. Those efforts, which had helped to reduce the prevalence of FGM, were part of efforts to reach the goal of "FGM zero tolerance" by 2015.

49. A national ethics committee had been set up in anticipation of the adoption of the personal status code and the holding of a national popular consultation. A national validation workshop would be held with a view to adoption of the code. With the adoption of the code, Niger's reservations with regard to the Convention on the Elimination of All Forms of Discrimination against Women would become obsolete. Once adopted, the code would regulate inheritance, divorce, repudiation, polygamy, early and forced marriage and violence against women and girls.

50. In 2008 the Government had adopted a national gender policy with four strategic action lines, which included reinforcing the effective application of the rights of women and young girls, combating gender-based violence and ensuring equitable participation of men and women in the administration of power. Specific steps had been taken by the Government, backed by its technical and financial partners and non-governmental organizations, to combat violence against women. Those steps had included the

development of a coordination framework for the stakeholders involved and the establishment of legal clinics. An annual 16-day campaign against such violence had also been conducted.

51. In its efforts to implement the Convention on the Rights of the Child, in addition to setting up an appropriate legal framework for the purpose of combating all forms of child exploitation, the Government had instituted several other measures. It had, in particular, set up a national child protection office, implemented a national action plan for child survival, protection and development (2006–2010) and finalized the draft children's code.

52. Niger had always cooperated with special procedures mandate holders. It had sent invitations to some of them and was open to the idea of inspections by other United Nations bodies. It was committed to inviting special rapporteurs each time the need arose.

53. In 1985, Niger had ratified the 1961 Convention on the Reduction of Statelessness.

54. Niger had a legal and institutional framework that guaranteed freedom of the press, which was also enshrined in the new Constitution. Laws relating to press offences had been repealed. A communication observatory and a fund to assist privately-supported media had been set up. In addition, a charter on access to public information had been adopted.

55. The practice of *Wahaya* persisted because marriage was principally governed by customary law. Adoption of a family code would make it possible to eliminate that practice. Niger had adopted a law on quotas, under which administrative offices were obliged to appoint a fixed number of women or risk legal proceedings. An evaluation would be conducted soon.

56. In 2007, Niger had adopted a national literacy and non-formal education policy aimed at raising the literacy rate in rural areas and among women. The 1998 Education Act guaranteed education for girls aged 4 to 18 despite the disparities between regions and between boys and girls. There was currently a national office for the promotion of young girls' education.

57. The United States of America commended measures taken to improve human rights despite enormous challenges. It welcomed the alignment of national legislation with international obligations but noted it had not ensured that all Niger's residents enjoyed fundamental freedoms. It expressed concern over trafficking in persons and asked about the status ordinance No. 2010-86 in this regard. It noted Niger's efforts for labour code reform and asked about legislation to combat child labour. It made recommendations.

58. Malaysia appreciated Niger's candid recognition of the various political and institutional challenges faced by the Government in its effort to improve the social development and to promote and protect human rights. It was convinced that with strong commitment, persistent efforts and continuous constructive engagement with the international community, Niger will be able to make progress in many areas that will contribute to the overall improvement of the standard of living of the people in the country. Malaysia made recommendations.

59. Switzerland congratulated Niger for its progress in human rights promotion and protection despite its political and institutional upheavals. Switzerland noted that Niger continued to sentence offenders to death, although the last execution was carried out in 1976. Switzerland was concerned at confirmed excessive use of force, torture and extrajudicial executions and referred to the rights of the child. Switzerland made recommendations.

60. Australia welcomed progress made by the Transitional Government in returning Niger to democracy. It noted that, in spite of a de facto moratorium, the death penalty remains in Niger's law and that death sentences continue to be imposed by courts. Australia

was concerned by continuing reports of violence against women and children including forced and early marriage, FGM, sexual abuse and exploitation, child trafficking and the phenomenon of child soldiers. Australia made recommendations.

61. Ecuador welcomed Niger's commitment to the UPR particularly the inter-ministerial Committee and national consultation carried out. It recognized the importance of financial and technical assistance on the part of United Nations. It hoped for the reestablishment of democracy and made recommendations.

62. Chile noted Niger had achieved important progress in spite of institutional and political upsets. It welcomed the creation of the Ministry for Women, the poverty reduction strategy, reforms to the Criminal Code, which abolished female genital mutilation, and advances in education for girls. It noted challenges in food security, access to drinking water and health. It made recommendations.

63. China noted that Niger ratified several international and regional human rights treaties and adopted many concrete measures to increase and promote agriculture production, improve medical care, enhance school enrolment of children and employment of youth. China understood that Niger, as a developing country, in developing its economy and promoting human rights, was indeed facing special difficulties and challenges. China called upon the international community to continue to provide necessary financial and technical assistance to Niger.

64. Luxembourg expressed concerns at the situation related to growing malnutrition and hunger, as it particularly affected children. Luxembourg inquired on measures taken by Niger to address this issue. Luxembourg was particularly concerned at the situation of women in rural areas relating to access to basic services. Luxembourg was concerned by slavery practices. Luxembourg wished to resume its cooperation with Niger once rule of law will be restored. Luxembourg made recommendations.

65. Sweden closely followed Niger's reform process and stressed that the transition to civilian rule should continue in a free and transparent way. It expressed concern over restrictions to freedom of expression and assembly. It noted that journalists, human rights defenders and activists have been harassed and arrested and demonstrations have been repressed. It noted Niger maintains the death penalty and expressed concern over widespread impunity, including for security forces. It made recommendations.

66. Latvia thanked the delegation of Niger for the comprehensive presentation of its national report and its constructive engagement in the UPR process. Latvia made one recommendation.

67. Thailand commended Niger for significant progress in protecting human rights despite development challenges and constraints. It welcomed that Niger was party to virtually all international human rights instruments and its efforts to ensure access to health care for vulnerable groups. It noted with concern violence against and exploitation of vulnerable groups. Thailand expressed its readiness to share with Niger its best practices and provide technical assistance, for example in prison administration and in assisting people with disabilities. It made recommendations.

68. Indonesia welcomed the fact that the Transitional Government would soon be holding legislative and presidential elections and commended the building of human rights infrastructure, raising awareness and trainings in human rights for, inter alia, armed and security forces, and prison personnel. In this connection, Indonesia noted the current effort taking place under the guidance of the National Observatory for Human Rights. Indonesia noted that the national report honestly admits Niger's shortcomings and the current lack of normative legislation to support the development and implementation of the human rights programme. Indonesia made recommendations.

69. Italy welcomed that Niger has signed and ratified the majority of universal and regional human rights instruments and welcomed the fact that civil society was progressively more mobilized on human rights issues. It noted that the condition of women and children needed improvements and was concerned over human trafficking. It made recommendations.

70. The Central African Republic expressed its support for Niger and congratulated it for its efforts. It encouraged Niger in the different reforms undertaken as well as the measures taken to improve the living conditions of the people of Niger. It asked for the support of the international community to accompany Niger in this dynamic and so that its initiatives could achieve the desired results.

71. The representative of Niger said that the country had promulgated in December 2010 an order concerning the combat against trafficking in persons, which penalized trafficking, slavery and related practices. Implementing legislation would be adopted and institutional structures set up.

72. With regard to the combat against food insecurity, the representative had referred to numerous measures, including the setting up of a national mechanism for the prevention and management of food crises, the recent establishment of a high authority for food security and an agricultural bank, the construction of the Kandadji dam and the guarantee of the right to food under the Constitution. A policy document on nutrition had also been drawn up for the period 2007 to 2015.

73. With regard to child labour, Niger had pledged to promote a national policy to combat child labour, to improve child labour regulation and to raise the minimum working age progressively. A unit to combat child labour had been set up to that end as had a national steering committee to combat child labour. A draft national action plan to combat the worst forms of child labour, for the period 2011 to 2015, would be adopted shortly.

74. By law, the Transition Authorities could not take part in elections. An open-ended consultative council, serving as a transition parliament, had drawn up the election schedule, which had been approved by an independent national electoral commission. Participation in the referendum on the adoption of the Constitution had been high. Local elections had been conducted in a transparent manner, and the presidential and legislative elections had begun calmly on 31 January 2011. The task of ensuring that the elections were carried out properly had been entrusted to the judiciary. Freedom of the press had been guaranteed in order to put a stop to previous practices.

75. A total of 48 women who had had excision performed on their daughters had been fined and given a suspended prison sentence in January 2010. Another trial had taken place in January 2011 for similar acts and that judgement was pending.

II. Conclusions and/or recommendations

76. **The recommendations formulated during the interactive dialogue listed below have been examined by Niger and enjoy the support of Niger:**

76.1 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Denmark);

76.2 Ratify the 1954 Convention relating to the Status of Stateless Persons (Slovakia);

76.3 In light of the current lack of normative legislation to support the consistent development and implementation of the country's human rights

programme, continue to call for technical assistance and advice on best practices from the international community (Indonesia);

76.4 Finalize, adopt and implement the pastoral law so that it serves as an instrument to reduce the level of resource-based conflicts in the country (Norway);

76.5 Continue its efforts in order to re-establish the functioning of a national human rights institution in accordance with the Paris Principles (Argentina);

76.6 Re-establish an A-status national human rights institution as soon as possible (Thailand);

76.7 Consider replacing the National Observatory for Human Rights with a permanent and independent human rights institution, in accordance to the Paris Principles (Indonesia);

76.8 Develop, in cooperation with all relevant national institutions, a comprehensive national human rights plan and a national human rights education plan (Slovenia);

76.9 Work with the United Nations Country Team to develop a national human rights plan which incorporates human rights education and training (Thailand);

76.10 Promote the need for practical educational measures to spread a culture of human rights and raise students' awareness of these rights (Saudi Arabia);

76.11 Continue implementing the strategies and plans for the socio-economic development of the country (Cuba);

76.12 Strengthen efforts to fulfil obligations in accordance with the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child (Australia);

76.13 Further improve the normative framework in order to better guarantee women's and children's rights (Italy);

76.14 Continue implementing programmes and measures to improve the enjoyment of the right to education, the right to health and the right to food (Cuba);

76.15 Ensure the promotion of good governance through transparent conduct of public affairs (Norway);

76.16 Continue its implementation of the timetable for restoring democracy without delay (Denmark);

76.17 Continue its cooperation with different human rights mechanisms of the United Nations in order to promote and protect human rights in the country (Azerbaijan);

76.18 Seek the advice of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and continue to cooperate with him (Italy);

76.19 Take effective measures to ensure equal opportunities and treatment of women and men in the labour market in both private and public sectors (Malaysia);

76.20 Adopt measures that ensure that people with disabilities enjoy their rights on an equal footing, including free access to health and on the basis of

their informed consent, access to education, employment and social security, as well as full participation in the political, social and economic life of the country (Spain);

76.21 Introduce an official moratorium on the death penalty and resubmit the proposals for a complete abolition of the death penalty to the new Parliament once established (Denmark);

76.22 In line with the recommendations from the Committee on the Rights of the Child, take immediate steps to halt and abolish the death penalty and life sentences for crimes committed by persons under 18 (Norway);

76.23 Introduce in the Criminal Code all necessary amendments aimed at criminalizing acts of torture and the crime of enforced disappearance (France);

76.24 Bring national legislation on torture and other ill-treatment in line with international human rights standards and make any such act a criminal offence (Denmark);

76.25 Carry out an awareness-raising and information campaign aimed at resisting customs and traditions, which have given rise to discriminatory practices and violence against women, especially in the family environment (Canada);

76.26 Continue to strengthen awareness-raising and sensitization activities for practitioners, families, traditional or religious leaders and the general public in order to encourage change in traditional attitudes aiming at effective eradication of female genital mutilation, *Wahaya* and other harmful practices (Slovenia);

76.27 Address traditional practices that are against human rights, inter alia female genital mutilation, through more concerted efforts, involving local levels (Norway);

76.28 Implement and apply legislative as well as other measures that aim at the eradication of harmful tradition practices such as female genital mutilation (Poland);

76.29 Continue and strengthen awareness-raising activities aimed at eradicating traditional practices that are harmful to children, including female genital mutilation (Italy);

76.30 Follow-up the Committee on the Rights of the Child's recommendations relating to the practice of female genital mutilation, and organize awareness-raising campaigns in public and in schools (Germany);

76.31 Take all appropriate measures to ensure an effective implementation of the prohibition of female genital mutilation, especially in terms of prevention, sensitization, control and legal sanctions (Belgium);

76.32 Prioritize the implementation of a comprehensive approach to combat all forms of violence against women, in line with what the Committee on the Elimination of Discrimination against Women recommended (Chile);

76.33 Continue its measures to tackle the problem of violence against women, including domestic violence and to address gender equality in all spheres of life (Azerbaijan);

76.34 Develop and strengthen appropriate legislative measures to address the issues of trafficking, sexual abuse and sexual exploitation of children and take

measures to ensure prompt prosecution of perpetrators of sexual offences against children (Malaysia);

76.35 Reinforce legislative measures to combat sexual exploitation and sexual abuses, in line with what the Committee on the Rights of the Child recommended (Chile);

76.36 Implement the recommendations made by the Committee on the Rights of the Child, especially eradicate traditional practices such as female genital mutilation, sexual exploitation, corporal punishment in children's education and forced child begging (Ecuador);

76.37 Adopt a national action plan to combat slavery and human trafficking (Switzerland);

76.38 Take measures to combat and abolish all forms of slavery in practice (Sweden);

76.39 Make all possible efforts in order to guarantee compliance with the interdiction of slavery in the new constitution (Norway);

76.40 Adopt a national action plan to combat and eliminate slavery in all forms and ensure that all victims are provided with assistance and rehabilitation (Poland);

76.41 Promote a wide as possible consultation process that includes religious leaders, traditional leaders, members of the security forces, staff members of the administration of justice, as well as civil society in order to determine the Government's needs in the fight against slavery and related practices (Spain);

76.42 Take all appropriate measures to eliminate all forms of slavery and ensure that perpetrators of such practices are systematically brought to justice (Luxembourg);

76.43 Systematically prosecute all perpetrators of slavery and slavery-like practices in line with the provisions set out in the Criminal Code (United Kingdom);

76.44 Take all necessary measures to ensure that perpetrators of all forms of slavery are systematically brought before justice and that victims benefit from a protection and compensation system (Switzerland);

76.45 Ensure that the Penal Code is effectively enforced, perpetrators of slavery are duly prosecuted, and that the victims are granted due compensation and rehabilitation (Slovakia);

76.46 Develop mechanisms for full and fair reparations for victims of slavery, including compensation and rehabilitation (Sweden);

76.47 Adopt the draft law on trafficking in persons (Canada);

76.48 Accelerate the implementation of its new legislation and intensify its law enforcement efforts targeted at combating all forms of human trafficking and slavery (United States of America);

76.49 Continue its efforts in order to strengthen its legislation relating to human trafficking and the assistance mechanisms for these victims, as well as to guarantee the proper investigation, trial and punishment of these conducts in light of international standards (Argentina);

- 76.50 Implement standard procedures to identify victims of human trafficking, establish a referral mechanism to facilitate the provision of protective services for them and dedicate financial or in kind support to NGOs providing services to victims (United States of America);
- 76.51 Strengthen the existing measures to combat child trafficking, forced labour, begging and sexual exploitations of children, including migrant children (Switzerland);
- 76.52 Pass and implement legislation aimed specifically at eliminating all forms of child labour (United States of America);
- 76.53 Adopt and implement a national plan of action to prevent and combat child labour (Poland);
- 76.54 Address the violent conflicts between nomadic pastoralists and sedentary farmers as a matter of urgency, bring to justice those responsible for the killings and human rights violations and compensate victims (Norway);
- 76.55 Repeal amnesty laws and bring to justice perpetrators of human rights violations, regardless of the time that has elapsed since the pertaining acts were committed (Canada);
- 76.56 Order without delay the opening of impartial and independent investigations on information reporting acts of torture and ill-treatment and bring to justice perpetrators of such deeds (France);
- 76.57 Further improve accountability structures with a view to eradicate impunity (Sweden);
- 76.58 Further strengthen the institutional framework for the protection of freedoms of press and expression and guarantee these rights to all citizens (Germany);
- 76.59 Ensure, in accordance with its international obligations, that the right to freedom of expression is fully respected (Slovakia);
- 76.60 Ensure freedom of expression and assembly and that human rights defenders are respected and protected (Sweden);
- 76.61 Respect the legitimate exercise of freedom of association and ensure all human rights activists operating in the country, including individuals cooperating with United Nations human rights mechanisms, are spared from any harassment or intimidation (Slovakia);
- 76.62 Continue its efforts to ensure meaningful women representation in the future Government (Indonesia);
- 76.63 Take immediate measures to guarantee all persons' right to participate in the Government of their country and to ensure that the transition process is carried out as scheduled (Sweden);
- 76.64 Further its measures aimed at the reduction of poverty and dealing with food insecurity and access to water resources (Azerbaijan);
- 76.65 Continue to pay high attention to and promote production of agriculture in order to reduce the number of people suffering from extreme poverty so as to guarantee a basic livelihood to people (China);
- 76.66 Promote and advance policies that focus on the alleviation of poverty and the advancement of its entire people (Pakistan);

- 76.67 **Make food security a priority (Norway);**
- 76.68 **Engage the relevant international organizations and international donors to address the problem of food crises and provide better access to safe drinking water for the population (Malaysia);**
- 76.69 **Take all necessary measures granting women, especially those in rural areas, equal access to health services and healthcare, participation in decision making (Luxembourg);**
- 76.70 **Continue to adopt measures in order to reduce effectively maternal mortality rate and child and infant mortality rates (China);**
- 76.71 **Give priority to the continuation of efforts to promote the right to education (Saudi Arabia);**
- 76.72 **Implement an awareness-raising campaign for parents aimed at increasing the school enrolment rate of girls (Canada);**
- 76.73 **Ensure the increase of financial resource allocation to the field of public education with a view to improving the quality of education, build an appropriate infrastructure and ensure that compulsory primary education lasts for six years (Ecuador);**
- 76.74 **Further expand its school feeding programme and integrate it with local agricultural production (Brazil);**
- 76.75 **Strengthen its cooperation with the international community, in particular specialized agencies and programmes of the United Nations system with a view to building capacity and getting technical assistance in crucial areas such as human development, poverty eradication, education and health (Malaysia);**
- 76.76 **Seek cooperation to United Nations agencies and international organizations, in order to request assistance to improve poverty indicators; access to food, drinking water and health (Chile);**
- 76.77 **Seek assistance from the international community to advance its human rights agenda (Pakistan).**
77. **Niger considers that recommendations 76.22, 76.32, 76.33 and 76.47 above are already implemented or the in the process of implementation.**
78. **The following recommendations will be examined by Niger which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:**
- 78.1 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED), sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, inhuman, or Degrading Treatment or Punishment (OP-CAT) and establish a national independent mechanism to inspect detention places (France);**
- 78.2 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), OP-CAT, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC), and CED (Argentina);**

- 78.3 Sign and ratify the principal human rights instruments to which it is not a party, namely the OP-ICESCR, OP-CAT, ICCPR-OP2, aimed at abolishing the death penalty, OP-CRC-AC and ratify CED (Ecuador);
- 78.4 Sign and ratify the OP-ICESCR, OP-CAT, OP-CRC-AC (Spain);
- 78.5 Accede to ICCPR-OP2, aimed at abolishing the death penalty and take the necessary steps to remove the death penalty from its justice system (Australia);
- 78.6 Ratify ICCPR-OP2 (Sweden);
- 78.7 Intensify its efforts with a view to a speedy ratification of CED and withdraw the reservations made to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Spain);
- 78.8 Withdraw its reservations made to articles 2 and 16 of CEDAW, which were considered contrary to the object and purpose of this treaty (Belgium);
- 78.9 Withdraw its reservations made to CEDAW (Canada);
- 78.10 Withdraw its reservations to CEDAW (Norway);
- 78.11 Continue its collaboration with the human rights mechanisms and become a party to the optional protocols of ICESCR and ICCPR (Indonesia);
- 78.12 Step up efforts to improve regular cooperation with treaty bodies; lift reservations to CEDAW and consider ratifying outstanding human rights instruments, including OP-CAT, OP-CRC-AC and ICCPR-OP2 (Slovenia);
- 78.13 Implement the recommendations provided by the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights in February 2006 (Norway);
- 78.14 Consider issuing a standing invitation to the special procedures of the Human Rights Council (Brazil);
- 78.15 Issue an open and standing invitation to all special procedures (Spain);
- 78.16 Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
- 78.17 Repeal all discriminatory laws against women, withdraw all its reservations made to the Convention on the Elimination of All Forms of Discrimination against Women and increase its cooperation with the Committee on the Elimination of Discrimination against Women by implementing all recommendations made in 2007 (France);
- 78.18 Follow-up the recommendation made by the Committee on the Elimination of Discrimination against Women in 2007 regarding the implementation of a strategy to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women (United Kingdom);
- 78.19 Pursue appropriate policies, such as its National Gender Policy, including public-oriented awareness campaigns to overcome the prevalence of patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society (Slovakia);
- 78.20 Take the necessary legal and financial measures to ensure the equal participation of women in all areas (Turkey);

- 78.21 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Switzerland);**
- 78.22 **Abolish the death penalty and ratify the Second Optional Protocol to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Belgium);**
- 78.23 **Before abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, declare a de jure moratorium on executions (Belgium);**
- 78.24 **Adopt at the earliest a draft law aimed at abolishing the death penalty, in line with the spirit of articles 11 and 12 of its new Constitution; repeal the provisions of its 1961 Criminal code, which provides for the application of the death penalty and; ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights which prohibits the death penalty under all circumstances (France);**
- 78.25 **Declare a moratorium on the death penalty with a view to its abolition, and sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**
- 78.26 **Enact a moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (United Kingdom);**
- 78.27 **Impose a moratorium on executions with a view to abolish the death penalty (Norway);**
- 78.28 **Establish a moratorium on executions with a view to abolishing the death penalty and to commute, without delay, all death sentences to terms of imprisonment (Sweden);**
- 78.29 **Adopt a national action plan against torture and other cruel, inhuman or degrading treatment or punishment; ensure that all the complaints formulated in this field are the object of an impartial and effective investigation; and sign and ratify OP-CAT (Spain);**
- 78.30 **Investigate in an effective and independent manner and as soon as possible, allegations of torture, ill-treatment and extrajudicial executions with a view to bring perpetrators to justice (Switzerland);**
- 78.31 **Extend the criminalization of female genital mutilation to all those practices that are harmful to women's physical and psychological health (Spain);**
- 78.32 **Control and stop domestic violence levels, especially towards women and children, through the creation of national protection institutions and revise the reservations to the Convention on the Elimination of All Forms of Discrimination against Women, especially those regarding age of marriage and abolish the practice of domestic violence (Ecuador);**
- 78.33 **Take measures to guarantee effective access to justice for victims of gender-based violence, to provide health and psychological support for victims and to provide protection for women that report cases of gender-based violence (Brazil).**

79. **The recommendations below did not enjoy the support of Niger:**
- 79.1 **Repeal past amnesty laws and bring to justice those responsible for human rights violations. Also, steps should be taken to establish an independent complaints mechanism with a mandate to investigate all allegations of human rights violations and abuses by security forces and armed opposition groups (Denmark);**
- 79.2 **Establish an independent complaints mechanism mandated to investigate allegations of human rights violations (Canada).**
80. **Niger rejected recommendations 79.1 and 79.2 because there are internal control and inspection mechanisms, which are mandated with missions of investigation.**
81. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Niger was headed by Mr. Abdoulaye Djibo, Minister of Justice and Human Rights, Keeper of the Seals, and composed of the following members:

- M. Dandah Mahaman Laouali, Ministre des Enseignements Secondaire, Supérieur et de la Recherche Scientifique
 - Mme Sanady Tchimaden Hadattan, Ministre de la Population, de la Promotion de la Femme et de la Protection de l'Enfant
 - S.E. M. Adani Illo, Ambassadeur, Représentant Permanent auprès de l'Office des Nations Unies et des autres Organisations Internationales à Genève
 - M. Minkeila Hamidou, Conseiller Principal au Cabinet du Premier Ministre, Coordinateur de la Cellule Crises Alimentaires
 - M. Mado Adamou, Conseiller Technique / Ministère de la Population, de la Promotion de la Femme et de la Protection de l'Enfant
 - Mme Maïga Zeïnabou Labo, Directrice des Droits de l'Homme et de l'Action Sociale / Ministère de la Justice et des Droits de l'Homme, Président du Comité de rédaction
 - M. Dounama Abdou, Directeur Général du Travail / Ministère de la Fonction Publique et du Travail
 - M. Halilou Abdoulaye, Directeur de la Législation / Ministère de l'Education Nationale
 - M. Adamou Abdou, Directeur des Affaires Juridiques / Ministère des Affaires Etrangères, de la Coopération, de l'Intégration Africaine et des Nigériens à l'Extérieur
 - M. Alfari Souley, Directeur de la Législation / Ministère de l'Intérieur
 - M. Jean Etienne Ibrahim, Coordonnateur du projet Protection Judiciaire Juvénile / Ministère de la Justice
 - Mme Sourghia Hamadou Mariama, Chef de la Division Formation Sanitaire Publique / Ministère de la Santé Publique
 - M. Hama Kansaye Souleymane, Conseiller à la Mission Permanente à Genève
 - M. Ibrahim Lestenau, Conseiller en Communication
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