



# General Assembly

Distr.: General  
18 October 2010  
English  
Original: English/French

---

## Human Rights Council

Working Group on the Universal Periodic Review

Tenth session

Geneva, 24 January–4 February 2011

### **Compilation prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Niger**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	
ICERD	27 April 1967	None	Individual complaints (art. 14):	No
ICESCR	7 March 1986	None	-	
ICCPR	7 March 1986	None	Inter-State complaints (art. 41):	No
ICCPR-OP 1	7 March 1986	None	-	
CEDAW	8 October 1999	Yes (arts. 2(d), 2(f), 5(a), 15(4), 16(1)(c)(e)(g), 29. reservation <sup>3</sup> Declaration (art. 5(b))	-	
OP-CEDAW	30 September 2004	None	Inquiry procedure (arts. 8 and 9):	Yes
CAT	5 October 1998	None	Inter-State complaints (art. 21):	No
			Individual complaints (art. 22):	No
			Inquiry procedure (art. 20):	Yes
CRC	30 September 1990	None	-	
OP-CRC-SC	26 October 2004	None	-	
ICRMW	18 March 2009	None	Inter-State complaints (art. 76):	No
			Individual complaints (art. 77):	No
CRPD	24 June 2008	None	-	
OP-CRPD	24 June 2008	None	Inquiry procedure (arts. 6 and 7):	Yes
<i>Treaties to which Niger is not a party: OP-ICESCR,<sup>4</sup> ICCPR-OP 2, OP-CAT, OP-CRC-AC, and CED (signature only, 2007).</i>				
<i>Other main relevant international instruments</i>			<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide			No	
Rome Statute of the International Criminal Court			Yes	
Palermo Protocol <sup>5</sup>			Yes	
Refugees and stateless persons <sup>6</sup>			Yes, except the 1954 Convention	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>			Yes, except Additional Protocol III	
ILO fundamental conventions <sup>8</sup>			Yes	
UNESCO Convention against Discrimination in Education			Yes	

1. In 2007, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) drew the attention of Niger to the fact that reservations to articles 2 and 16 were contrary to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women,<sup>9</sup> and urged it to expedite its efforts towards the withdrawal of its reservations.<sup>10</sup> In 2009, the Committee on the Rights of the Child (CRC) also urged Niger to consider withdrawing its reservations to CEDAW.<sup>11</sup>

## **B. Constitutional and legislative framework**

2. In 2007, CEDAW encouraged Niger to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with the Convention.<sup>12</sup> It also called upon Niger to amend discriminatory laws and regulations that discriminate against women and to bring them in line with the Convention.<sup>13</sup>

3. In July 2010, the United Nations country team in Niger reported that since the events of 18 February 2010, Niger had been under a transitional regime headed by a military body known as the Conseil Suprême pour la Restauration de la Démocratie (CSRD). The country's current institutional framework was determined by ordinance 2010-001 of 22 February on the organization of government during the transitional period. In that ordinance, CSRD reasserted Niger's attachment to ensuring human and citizens' rights and freedoms and to restoring the democratic system which the people of Niger had begun to develop. Under the timetable adopted by CSRD, the transition period was due to last one year from 18 February and would come to a close on 1 March 2011 with the investiture of the new President of the Republic.<sup>14</sup>

4. In June 2010, UNICEF stated that new provisions had been introduced into the Niger Penal Code of 2003, abolishing female genital mutilation (FGM), slavery and sexual harassment, and giving a broader definition of rape.<sup>15</sup>

## **C. Institutional and human rights infrastructure**

5. As of 13 September 2010, Niger did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>16</sup> In the aftermath of the coup d'état of 18 February 2010, the National Commission for Human Rights and Fundamental Freedoms (NCHRFF), a national human rights institution accredited with A status, was dissolved by the Government. On 20 May 2010, the Government established a National Observatory for Human Rights, which has been acting as human rights monitoring body during the transitional period. In May 2010, OHCHR provided legal advice to the Government on comparative experiences from other national human rights institutions.<sup>17</sup>

## **D. Policy measures**

6. In 2007, while welcoming Act No. 2000-008 which introduces a quota system for positions reserved for women in decision-making bodies, CEDAW was concerned that the purpose of temporary special measures might not be properly understood by Niger.<sup>18</sup> It recommended that Niger, in its policies and programmes, clearly distinguish between general social and economic policies and programmes that are adopted to implement the Convention, and temporary special measures which are aimed at accelerating the achievement of the de facto equality of women.<sup>19</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>20</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1997	August 1998		Fifteenth to twentieth reports overdue since 1998, 2000, 2002, 2004, 2006 and 2008 respectively
CESCR				Initial report overdue since 1990
HR Committee	1991	March 1993		Second report overdue since 1994
CEDAW	2005	May 2007		Combined third and fourth reports due in 2012
CAT				Initial report overdue since 1999
CRC	2007	June 2009		Combined third to fifth reports due in 2012
OP-CRC-SC				Initial report overdue since 2006
CMW				Initial report due in 2010
CRPD				Initial report due in 2010

7. In 2009, CRC encouraged Niger to submit its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography.<sup>21</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the right to food (27 August–3 September 2001 <sup>22</sup> and 8–12 July 2005). <sup>23</sup>
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	-
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the right to food thanked the Government for the cooperation extended to him during his first visit from 27 August to 3 September 2001.
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 13 communications were sent. The Government replied to three communications.
<i>Responses to questionnaires on thematic issues</i>	Niger responded to none of the 23 questionnaires sent by special procedures mandate holders. <sup>24</sup>

#### 3. Cooperation with the Office of the High Commissioner for Human Rights

8. In 2009, OHCHR in collaboration with the United Nations Country Team (UNCT) supported implementation of the Action 2 project in partnership with the Minister of Justice, UNDP, UNICEF and UNFPA.<sup>25</sup> The human rights advisor to the Niger UNCT was deployed on 17 July 2008 with a mandate to advise on strategies to reinforce national human rights capacity, train UNCT members and national human rights actors on the human rights-based approach and conduct training.<sup>26</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

9. In 2007, CEDAW was concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society. It was further concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, FGM and repudiation that discriminate against women, perpetuate violence against women and constitute serious obstacles to women's enjoyment of their human rights.<sup>27</sup> It urged Niger to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women.<sup>28</sup>

10. In July 2010, the United Nations country team reported that considerable progress had been made, in particular with regard to girls' education. However, it also reported that there were forms of discrimination between men and women as far as respect for their rights was concerned. The reservations made to the Convention on the Elimination of All Forms of Discrimination against Women were an illustration of that. That state of affairs had detrimental consequences in a number of spheres, such as employment, access to the means of production, family law, access for women to decision-making bodies, to the law and the courts and to reproductive health and social security.<sup>29</sup>

### **2. Right to life, liberty and security of the person**

11. In 2009, CRC was concerned that the minimum age for voluntary or compulsory recruitment was not specified by law and that children as young as 13 years old could enrol in the military school of Niamey and be taught basic handling of firearms.<sup>30</sup> It recommended that Niger adopt legislation setting the minimum age of 18 for recruitment into military forces and raise the legal age to enter military schools.<sup>31</sup>

12. In June 2010, UNICEF noted that violence against women was multiform, and generally admitted to be widespread. In addition to physical, verbal and psychological violence, there was the violence linked to traditional beliefs and tolerated by society, despite its physical, moral and economic consequences for women and their children in terms of repudiation, confinement, forced marriages and discrimination in the right to inheritance.<sup>32</sup> In 2007, CEDAW raised similar concerns and recommended that Niger place the highest priority on implementing a comprehensive approach to address all forms of violence against women.<sup>33</sup>

13. In 2009, CRC noted with concern that FGM remains prevalent among some women.<sup>34</sup> It recommended that Niger implement and apply legislative and other measures to prohibit traditional practices that are harmful to children, including FGM and ensure that perpetrators of such acts are brought to justice; continue and 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, and concentrate efforts to eradicate FGM in the regions where those practices remained widespread.<sup>35</sup>

14. In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) observed that there was an archaic form of slavery found in nomadic communities and that slave status was still transmitted by birth to persons from certain ethnic groups. The Committee of Experts stressed that it was essential that the perpetrators of slavery offences be prosecuted, and if appropriate, sentenced.<sup>36</sup> In 2009, CRC urged Niger to take all the necessary measures to eradicate all forms of slavery; to ensure that perpetrators of such practices are systematically prosecuted; and to adopt a national action plan to combat slavery including effective measures to free victims of

traditional slavery practices and provide children with rehabilitation, psychological recovery and assistance.<sup>37</sup>

15. In 2009, CRC was concerned at the increasing number of child victims of sexual exploitation, as well as at the practice known as “Wahaya” whereby wealthy or eminent persons, chiefs and important marabouts buy young girls to serve as their concubines, which seems to be widely socially accepted.<sup>38</sup> It recommended that Niger develop and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation; and take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children.<sup>39</sup> In 2007, CEDAW made similar recommendations.<sup>40</sup>

16. In 2008, the ILO Committee of Experts noted the information obtained by the High-Level Fact-Finding Mission of 10–20 January 2006, according to which Niger was both a country of origin and a country of destination for human trafficking, including trafficking of children. The Committee of Experts expressed its sincere hope that Niger would take the necessary steps to ensure that the draft bill for the prevention, repression and punishment of trafficking would be drawn up and adopted as soon as possible.<sup>41</sup> For its part, CRC in 2009 recommended that Niger promptly adopt a law penalizing child trafficking, ensure proper investigation in cases of child trafficking and prosecute and punish the perpetrators, and provide further resources to support sheltering and recovery of all child victims of sale or trafficking.<sup>42</sup>

17. In 2008, the ILO Committee of Experts noted that child labour in small-scale mining was widespread, principally in the informal economy, where the work was the most hazardous, and expressed its concern at the use of child labour particularly in mines and quarries.<sup>43</sup> In 2009, CRC expressed similar concerns and recommended that a national action plan to prevent and combat child labour be adopted and implemented.<sup>44</sup>

18. In 2009, CRC was concerned that the provisions against violence and abuse in the Constitution and the Criminal Code are not interpreted as prohibiting corporal punishment in child-rearing and that there is no explicit prohibition of corporal punishment in schools and alternative care settings.<sup>45</sup> It recommended that Niger, *inter alia*, explicitly prohibit by law corporal punishment and all forms of violence against children in the family, schools and institutions; introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment; ensure recovery and social reintegration of victims of corporal punishment; prioritize elimination of all forms of violence against children by taking all necessary measures to implement recommendations of the United Nations Study on violence against children; ensure accountability and end impunity.<sup>46</sup>

19. CRC in 2009<sup>47</sup> and the ILO Committee of Experts in 2008<sup>48</sup> expressed concern at the situation of the Talibé children, who are forced to beg in the streets. CRC recommended that Niger define preventive and protective measures to reduce the number of street children.<sup>49</sup> CRC also requested Niger to supply information on the measures taken by the National Committee for Combating the Phenomenon of Street Children to remove children from the streets and to ensure their rehabilitation and social integration.<sup>50</sup>

### **3. Administration of justice, including impunity, and the rule of law**

20. In July 2010, the United Nations country team reported that despite the existence of equality before the law and the right of everyone to justice, for a number of reasons the population faced obstacles in obtaining access to justice; these included citizens’ mistrust of the legal system, the remoteness of the courts, the dilatory nature of legal procedure, the paucity of lawyers (119 in 2008) and their rarity elsewhere than in the capital and citizen’s limited knowledge of the rights to which they are entitled by law.<sup>51</sup>

21. In 2009, CRC was concerned that children aged 16 to 18 who committed crimes together with adults were brought before adult courts and might face the death penalty. It reiterated its deep concern that children continue to be detained together with adults.<sup>52</sup> It recommended that Niger take immediate steps to halt and abolish by law imposition of the death penalty and life sentences for crimes committed by persons under 18; bring cases involving children to trial as quickly as possible; urgently ensure that in all detention facilities children are no longer detained with adults; and take all necessary measures to ensure that children are held in detention only as a last resort and for as short a time as possible, that children are not ill-treated in detention and that conditions in detention facilities meet international minimum standards.<sup>53</sup>

22. In 2007, CEDAW requested Niger to remove the impediments women, including rural women, may face in gaining access to justice and encouraged Niger to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.<sup>54</sup>

#### **4. Right to privacy, marriage and family life**

23. CRC in 2009<sup>55</sup> and UNICEF in 2010<sup>56</sup> noted that the marriageable age for girls is 15, as against 18 for boys. CRC urged Niger to set the minimum age for marriage at 18 for boys and girls.<sup>57</sup> It also urged Niger to take immediate measures to prohibit early and forced marriages and organize awareness-raising campaigns in partnership with traditional chiefs on the adverse consequences of early pregnancies.<sup>58</sup> In 2007, CEDAW made similar recommendations.<sup>59</sup>

24. In 2009, CRC was concerned at the decreasing percentage of children registered at birth.<sup>60</sup> It urged Niger to strengthen its efforts to ensure that all children, especially Mahamid children, are registered and ensure that institutional registration structures are free and accessible, especially in rural and remote areas.<sup>61</sup>

25. In 2009, CRC noted with concern that no significant action had been undertaken to decrease the number of informal adoptions,<sup>62</sup> and called upon Niger to prevent the practice of informal adoption and set up an effective mechanism to monitor adoptions.<sup>63</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

26. On 27 July and 26 October 2007, the Special Rapporteur on Freedom of Expression drew the attention of the Government to the case of the correspondent of Reporters without Borders and of Radio France Internationale in Niger who had allegedly received death threats before being arrested and charged with "complicity in a plot against the State".<sup>64</sup>

27. In July 2010, the United Nations country team reported that in Niger, freedom of the press was regulated by a legal and institutional framework such as to guarantee freedom of expression for citizens. Nevertheless, the institutions responsible for freedom of expression had not always fulfilled their role of regulating and ensuring individual freedoms, as required by the legislation in force. Several cases involving violation of those rights had been registered in the past. Since the new regime, there had been a number of steps put forward in that area, one of which had been the organization of the states-general of the press from 29 to 31 March 2010, the decriminalization of press offences and the reopening of the *maison de la presse*.<sup>65</sup>

28. In 2009, CRC was concerned over the limitations placed upon certain civil society organizations and in particular the severe administrative and practical restrictions upon the operation of international non-governmental organizations working in the area of human rights and humanitarian assistance for children.<sup>66</sup> It recommended that Niger respect the

crucial role played by civil society in furthering the implementation of the Convention on the Rights of the Child.<sup>67</sup>

29. In 2008, the ILO Committee of Experts reiterated its previous request that Niger review Section 9 of Ordinance No. 96-009 of 21 March 1996 in so far as public employees breaching provisions on the exercise of the right to strike might be punished by prison sentences involving compulsory labour, so as to be in conformity with the Freedom of Association and Protection of the Right to Organise Convention (No. 87).<sup>68</sup>

30. In 2007, CEDAW was concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in the National Assembly, Government, diplomatic service and local bodies.<sup>69</sup> It encouraged Niger to take sustained measures to accelerate women's full and equal participation in elected and appointed bodies.<sup>70</sup>

#### **6. Right to work and to just and favourable conditions of work**

31. CEDAW in 2007<sup>71</sup> and the ILO Committee of Experts in 2010<sup>72</sup> expressed concern that some of Niger's labour laws contained certain protective measures excluding women from employment to protect their health and safety but may create obstacles to women's participation in the labour market and perpetuate gender role stereotypes. The ILO Committee requested Niger to amend these laws,<sup>73</sup> and also to abolish any provision which discriminated against women in the public service,<sup>74</sup> while CEDAW urged Niger to ensure equal opportunities for, and equal treatment of, women and men in the labour market, and in particular to strengthen its labour inspectorate.<sup>75</sup>

32. In 2010, the ILO Committee of Experts noted that the draft Labour Code introduced a new section (article 42) prohibiting sexual harassment which does not appear to cover an intimidating, hostile or humiliating work environment and requested Niger to amend it so as to ensure that the definition and prohibition of sexual harassment covered all the aspects referred to in its general observation of 2002.<sup>76</sup>

#### **7. Right to social security and to an adequate standard of living**

33. During his 2001 visit, the Special Rapporteur on the right to food noted that over 80 per cent of the population was touched by food insecurity, and over 4.2 million people suffered from chronic malnourishment.<sup>77</sup> During his 2005 visit, he witnessed the gravity of the situation: almost a third of the population was facing acute malnutrition, and in some regions vulnerable people were already dying from starvation. The crisis was the result of both unfavourable economic trends and structural shortcomings, but its more profound cause was the pervasive food insecurity which heightens vulnerability to food crises. The Special Rapporteur urged the Government of Niger, as well as other Governments and international organizations, to take immediate action to respect, protect and fulfil the right to food in Niger.<sup>78</sup>

34. In 2009, CRC expressed concern that while rates of acute and chronic malnutrition and maternal mortality remain at a very high level, the attention paid to those critical issues seems to be inadequate; it was also concerned at the low performance of health services in terms of access, utilization and quality, and at the traditional or religious beliefs which limit children's access to health care.<sup>79</sup> It recommended that Niger consider nutrition as a national priority and provide appropriate resources to the implementation of nutrition activities; strengthen its efforts to further reduce infant and child mortality; increase its efforts to further reduce maternal mortality; and pursue its immunization efforts.<sup>80</sup>

35. In June 2010, UNICEF stated that child mortality remains a major health problem. According to the studies conducted in 2008, 1 in 5 children (19.8 per cent) dies before his/her 5th birthday. The main causes of death, besides malaria, are acute respiratory



infection and diarrhoea. The nutritional status of children under the age of five continues to raise serious concerns: two children in five suffer from chronic malnutrition, due to inadequate feeding and protracted illnesses, while one in ten dies from acute malnutrition.<sup>81</sup>

36. In 2007, CEDAW called on Niger to improve the availability of sexual and reproductive health services, including family planning; to adopt programmes and policies to increase knowledge of and access to affordable contraceptive methods; and to implement a comprehensive maternal and infant mortality reduction programme.<sup>82</sup>

37. In July 2010, the United Nations country team declared that the health situation in Niger was predominantly characterized by numerous endemic and epidemic communicable diseases (malaria, cholera, meningitis, HIV/AIDS) and the emergence of non-communicable diseases (high blood pressure, diabetes, cancers ...) for which the country was not always prepared. The situation was exacerbated by the scant protection available to the population against the risk of illness. A mere 3 per cent of the population were insured against illness. Niger had made available free care for children and women with difficult pregnancies. Unfortunately, free care did not extend to other groups of vulnerable people such as the elderly, the mentally and the physically disabled for whom no other form of assistance was available.<sup>83</sup>

38. In July 2010, the United Nations country team reported that access to drinking water was still inadequate, as some 50 per cent of Niger's population lacked access to it.<sup>84</sup> UNICEF stated that the living conditions of children and women are un conducive to their wellbeing and good health. Most people live in thatched mud houses, and more than half the population lives in very overcrowded conditions. Proper sanitation is very rare. Half of the population still uses untreated water from wells and other high-risk sources, while waste disposal management is rudimentary.<sup>85</sup> CEDAW in 2007<sup>86</sup> and CRC in 2009<sup>87</sup> expressed similar concerns, CEDAW calling on Niger to, *inter alia*, ensure that a gender perspective is included in all poverty reduction plans and strategies.<sup>88</sup>

## **8. Right to education and to participate in the cultural life of the community**

39. In July 2010, the United Nations country team stated that the gross pre-primary enrolment rate was merely 2.5 per cent of children in the age group, that 1 out of 3 children in the 7 to 12 year age group did not attend school, 9 out of 10 were not enrolled in the first level (secondary school) and less than 2 per cent enrolled in the second level (*lycée*). The high population growth rate put further pressure on the educational system.<sup>89</sup>

40. With regard to equity, the limitations were equally powerful: there was little likelihood of girls who lived in rural areas being able to benefit from their right to an education. The disparities became even more pronounced as they progressed from primary education (where girls made up 43 per cent of pupils) to the second level of secondary education (38 per cent of pupils).<sup>90</sup>

41. The gaps could be accounted for both by the reluctance of parents to enrol their daughters in school because of their expectations for their role in society (early marriage, domestic work), and by the fact that attending school is not an attractive proposition because of the remoteness of schools, the failure of school curricula to match expectations and the risk of violence. Illiteracy is still a major impediment to development. Only 12 per cent of women are able to read and write a simple text, in comparison with 28 per cent of men, a fact which is a further impediment to the enrolment of girls in school.<sup>91</sup>

42. Teaching is of a very low quality: many children leave primary school without being able to read or write. The decline in quality may be accounted for by the rapid expansion of educational coverage: to give but a few examples, 50 per cent of classrooms are straw huts that need to be rebuilt each year after the harvest and 90 per cent of teachers are on

temporary contracts, often with a low level of education themselves, and their poor working conditions mean that they are frequently absent.<sup>92</sup>

43. CEDAW in 2007,<sup>93</sup> CRC in 2009<sup>94</sup> and UNICEF in 2010<sup>95</sup> expressed similar concerns. CRC recommended that Niger improve the quality of education and take all measures to ensure that children complete their schooling; address disparities more effectively; ensure adequate funding of the public education system and that compulsory education is free; extend compulsory education beyond 6 years; and increase access to early childhood education.<sup>96</sup>

## **9. Minorities and indigenous peoples**

44. In September 2009, the Committee on the Elimination of Racial Discrimination (CERD) considered issues related to the alleged negative impact of uranium extraction activities conducted by a foreign State company on the traditional lands of the Tuareg people of Niger. The Committee decided to address letters to Niger and a third country respectively to request information regarding this matter and on measures taken to obtain the prior informed consent of the affected communities with regard to ongoing and planned resource extraction activities in this area.<sup>97</sup> In December 2009, Niger provided follow-up information. In March 2010, CERD requested additional information from Niger.<sup>98</sup> On 10 October 2007, several special procedures mandate-holders also sent a letter of allegation on the matter to the Government of Niger.<sup>99</sup> On 6 December 2007, the Government replied and provided additional information.<sup>100</sup>

45. The situation of the Tuaregs had again been the subject of two letters of allegation, in 2008 from the Special Rapporteur on extrajudicial, summary or arbitrary executions and in 2009 from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.<sup>101</sup> The Government of Niger had also replied to those letters.<sup>102</sup>

## **10. Migrants, refugees and asylum-seekers**

46. In July 2010, the United Nations country team said that because it faced the problems posed by development, Niger lacked adequate means to accommodate and reintegrate a large number of migrants in accordance with the relevant international standards. However, with a view to more effective management of migrations, in 2007 an interministerial committee had been set up to develop a policy on migration.<sup>103</sup>

47. In July 2010, UNHCR recommended that Niger ensure a more efficient and expedient asylum procedure, the investigation process prior to the adjudication of the asylum requests being long.<sup>104</sup> UNHCR also recommended that the Government undertake a comprehensive review of national legislation and policies for the purpose of preventing and reducing statelessness, in particular by establishing that children born on the territory acquire Niger nationality and by amending legislative provisions to ensure equality between men and women regarding acquisition, change and retention of nationality.<sup>105</sup> It further recommended that Niger resolve the issue of potential statelessness among the Mahamids by granting nationality to those who wish to become citizens of Niger.<sup>106</sup>

## **11. Internally displaced persons**

48. In July 2010, the United Nations country team said that the authorities were ignorant of the situation of internally displaced persons, and the situation was worsened by the food crises and the displacement of rural populations to the large towns.<sup>107</sup> Also in July 2010, UNHCR recommended that the Government of Niger take measures to further the protection of the human rights of internally displaced persons, particularly in the returnee context, through granting them the right to a voluntary and safe return as well as to assist

returned displaced persons to recover (to the extent possible) the property and possessions of which they were dispossessed when displaced.<sup>108</sup>

### III. Achievements, best practices, challenges and constraints

49. On 23 May 2008, OHCHR issued a statement noting that the general security situation in the northern part of Niger had been particularly unstable since February 2007 when the Mouvement Nigérien pour la Justice (MNJ) began an armed insurgency. Ambushes, armed raids, kidnappings, killings, mining of roads, hostage-taking and other violent acts had been relatively common events since then.<sup>109</sup>

50. In 2009, CRC expressed concern at the continued military conflict in the north of the country which is expected to further impoverish the chronically poor and the vulnerable nomadic populations.<sup>110</sup>

51. In June 2010, UNICEF stated that, as in 2005, Niger was also suffering the effects of a food crisis which aggravates the already precarious nutritional status of its children. The combination of poverty and the food crisis has triggered the displacement of the inhabitants of the affected areas, especially single women with dependent children, to the urban centres. In addition, the natural resources of the country have been depleted over the last 30 years as a result of the combined effects of population growth and climate change. This situation has increased the intensity of the country's recurrent food crises, and could in fact compromise the chances of survival of future generations.<sup>111</sup>

52. In July 2010, the United Nations country team stated that in spite of the numerous institutional and political upheavals besetting it, Niger was making significant progress to uphold and promote human rights.<sup>112</sup> However, the country's performance in that respect was hampered by several factors and in particular by the lack of a national human rights plan and of a national human rights education plan.<sup>113</sup>

### IV. Key national priorities, initiatives and commitments

#### Specific recommendations for follow-up

53. In July 2010, the United Nations country team recommended in particular that the Government of Niger continue to inform the population about its rights and duties; that it undertake codification of customs to do away with those contrary to international human rights norms, that it lift its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and that it organize campaigns to raise awareness about the risks inherent to illegal migration.<sup>114</sup>

### V. Capacity-building and technical assistance

N/A.

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Objections by Denmark, Finland, Norway and Sweden.

<sup>4</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>9</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/NER/CO/2), para. 9.

<sup>10</sup> CEDAW/C/NER/CO/2, para. 10.

<sup>11</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/NER/CO/2), para. 10.

<sup>12</sup> CEDAW/C/NER/CO/2, para. 12.

- <sup>13</sup> CEDAW/C/NER/CO/2, para. 16.
- <sup>14</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 6–8.
- <sup>15</sup> UNICEF submission to the UPR on Niger, para. 22.
- <sup>16</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>17</sup> A/65/XX (21907), forthcoming OHCHR report to 65th General Assembly.
- <sup>18</sup> CEDAW/C/NER/CO/2, para. 21.
- <sup>19</sup> CEDAW/C/NER/CO/2, para. 22.
- <sup>20</sup> The following abbreviations have been used for this document:  
 CERD Committee on the Elimination of Racial Discrimination  
 CEDAW Committee on the Elimination of Discrimination against Women  
 CRC Committee on the Rights of the Child
- <sup>21</sup> CRC/C/NER/CO/2, para. 82.
- <sup>22</sup> E/CN.4/2002/58/Add.1.
- <sup>23</sup> A/60/350 and E/CN.4/2006/44.
- <sup>24</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- <sup>25</sup> 2009 OHCHR Report on Activities and Results, p. 106.
- <sup>26</sup> 2008 OHCHR Report on Activities and Results, p. 96.
- <sup>27</sup> CEDAW/C/NER/CO/2, para. 17.
- <sup>28</sup> CEDAW/C/NER/CO/2, para. 18.
- <sup>29</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 48–50.
- <sup>30</sup> CRC/C/NER/CO/2, para. 68.
- <sup>31</sup> CRC/C/NER/CO/2, para. 69.
- <sup>32</sup> UNICEF submission to the UPR on Niger, para. 27.
- <sup>33</sup> CEDAW/C/NER/CO/2, paras. 23–24.
- <sup>34</sup> CRC/C/NER/CO/2, para. 59.
- <sup>35</sup> CRC/C/NER/CO/2, para. 60.
- <sup>36</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2008, Geneva, doc. No. (ILOLEX) 062008NER029, paras. 1–5.
- <sup>37</sup> CRC/C/NER/CO/2, para. 34.
- <sup>38</sup> CRC/C/NER/CO/2, para. 78.
- <sup>39</sup> CRC/C/NER/CO/2, para. 79.
- <sup>40</sup> CEDAW/C/NER/CO/2, para. 26.
- <sup>41</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 062008NER182, paras. 2–3.
- <sup>42</sup> CRC/C/NER/CO/2, para. 77.
- <sup>43</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 062008NER182, paras. 7–8.
- <sup>44</sup> CRC/C/NER/CO/2, para. 75.
- <sup>45</sup> CRC/C/NER/CO/2, para. 37.

- <sup>46</sup> CRC/C/NER/CO/2, paras. 38 and 40.
- <sup>47</sup> CRC/C/NER/CO/2, para. 72.
- <sup>48</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 062008NER182, paras. 4–6.
- <sup>49</sup> CRC/C/NER/CO/2, para. 73.
- <sup>50</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008NER182, para. 5.
- <sup>51</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 45.
- <sup>52</sup> CRC/C/NER/CO/2, para. 80.
- <sup>53</sup> CRC/C/NER/CO/2, para. 81.
- <sup>54</sup> CEDAW/C/NER/CO/2, para. 14.
- <sup>55</sup> CRC/C/NER/CO/2, para. 25.
- <sup>56</sup> UNICEF submission to the UPR on Niger, para. 8.
- <sup>57</sup> CRC/C/NER/CO/2, para. 26.
- <sup>58</sup> CRC/C/NER/CO/2, para. 61.
- <sup>59</sup> CEDAW/C/NER/CO/2, para. 34.
- <sup>60</sup> CRC/C/NER/CO/2, para. 35.
- <sup>61</sup> CRC/C/NER/CO/2, para. 36.
- <sup>62</sup> CRC/C/NER/CO/2, para. 49.
- <sup>63</sup> CRC/C/NER/CO/2, para. 50.
- <sup>64</sup> A/HRC/7/14/Add.1, paras. 466 and 468.
- <sup>65</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 60–61.
- <sup>66</sup> CRC/C/NER/CO/2, para. 23.
- <sup>67</sup> CRC/C/NER/CO/2, para. 24.
- <sup>68</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2008, Geneva, doc. No. (ILOLEX) 092008NER105, para. 5.
- <sup>69</sup> CEDAW/C/NER/CO/2, para. 27.
- <sup>70</sup> CEDAW/C/NER/CO/2, para. 28.
- <sup>71</sup> CEDAW/C/NER/CO/2, para. 31.
- <sup>72</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010NER111, para. 4.
- <sup>73</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010NER111, para. 4.
- <sup>74</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 092010NER100, para. 1.
- <sup>75</sup> CEDAW/C/NER/CO/2, para. 32.
- <sup>76</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010NER111, para. 1.
- <sup>77</sup> E/CN.4/2002/58/Add.1, paras. 1–3.
- <sup>78</sup> A/60/350, paras. 9–16. See also E/CN.4/2006/44, paras. 13–16 and A/61/306, para. 18.
- <sup>79</sup> CRC/C/NER/CO/2, para. 55.
- <sup>80</sup> CRC/C/NER/CO/2, para. 56.
- <sup>81</sup> UNICEF submission to the UPR on Niger, paras. 10–11.
- <sup>82</sup> CEDAW/C/NER/CO/2, para. 34.
- <sup>83</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 19.
- <sup>84</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique

- Universel, juillet 2010, para. 22.
- <sup>85</sup> UNICEF submission to the UPR on Niger, para. 14.
- <sup>86</sup> CEDAW/C/NER/CO/2, para. 35.
- <sup>87</sup> CRC/C/NER/CO/2, para. 64.
- <sup>88</sup> CEDAW/C/NER/CO/2, para. 36.
- <sup>89</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 32.
- <sup>90</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 33.
- <sup>91</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 34.
- <sup>92</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 35.
- <sup>93</sup> CEDAW/C/NER/CO/2, para. 30.
- <sup>94</sup> CRC/C/NER/CO/2, para. 66.
- <sup>95</sup> UNICEF submission to the UPR on Niger, para. 21.
- <sup>96</sup> CRC/C/NER/CO/2, para. 67.
- <sup>97</sup> A/64/18, para. 25.
- <sup>98</sup> See letter: [http://www2.ohchr.org/english/bodies/cehd/docs/early\\_warning/Niger12032010.pdf](http://www2.ohchr.org/english/bodies/cehd/docs/early_warning/Niger12032010.pdf).
- <sup>99</sup> A/HRC/7/21/Add.1, paras. 41–44, A/HRC/7/5/Add.1, para. 81, A/HRC/9/9/Add.1, paras. 358–366, A/HRC/9/22/Add.1, paras. 16–19, A/HRC/7/11/Add.1, para. 37.
- <sup>100</sup> A/HRC/9/9/Add.1, paras. 367–374, A/HRC/9/22/Add.1, paras. 20–27, A/HRC/12/26/Add.1, paras. 41–46, A/HRC/12/34/Add.1, paras. 302–329.
- <sup>101</sup> A/HRC/12/34/Add.1, paras. 296–301, A/HRC/11/2/Add.1, pp. 280–285.
- <sup>102</sup> A/HRC/12/34/Add.1, para. 329 and A/HRC/11/2/Add.1, pp. 285–288.
- <sup>103</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 52–54.
- <sup>104</sup> UNHCR submission to the UPR on Niger, p. 2.
- <sup>105</sup> UNHCR submission to the UPR on Niger, pp. 3–4.
- <sup>106</sup> UNHCR submission to the UPR on Niger, p. 3.
- <sup>107</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 55.
- <sup>108</sup> UNHCR submission to the UPR on Niger, p. 3.
- <sup>109</sup> Statement issued by OHCHR on 23 May 2008.
- <sup>110</sup> CRC/C/NER/CO/2, para. 68.
- <sup>111</sup> UNICEF submission to the UPR on Niger, para. 4.
- <sup>112</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, para. 63.
- <sup>113</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 64 et 67.
- <sup>114</sup> Rapport de l'Equipe de Pays du Système des Nations Unies au Niger pour l'Examen Périodique Universel, juillet 2010, paras. 30, 46, 51 et 58.