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### Niger\*

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## **I. Methodology and consultation process**

1. The Government of Niger prepared this universal periodic review report in application of resolution 60/251 and Human Rights Council resolution 5/1. As part of this process, an inter-ministerial committee, coordinated by the Ministry of Justice and Human Rights, was set up on 17 March 2010. It consists of 10 ministries, including those with responsibility for health, education, labour, the environment, agriculture, justice and women's and children's rights. Once the Committee was officially inaugurated, it established and implemented its plan of work, which included the following activities: a training workshop for its members, an awareness workshop for NGOs, associations and unions involved in several areas of human rights (women, children, persons with disabilities, energy, food, etc.). Subsequently, a national consultation was held among the country's eight regions.

2. Upon completion of this inclusive and participatory process, the report was endorsed during a national workshop run by the Ministry with responsibility for human rights and with the participation of relevant ministries and institutions, civil society and the media. It was then adopted by the Council of Ministers. In the course of preparing the universal periodic review report, Niger received technical and financial support from United Nations agencies. It also benefited from the technical expertise of the International Organization of La Francophonie and the experience of Burkina Faso.

## **II. General overview, normative and institutional human rights framework**

### **A. General overview**

3. Niger is situated in West Africa to the south of the Sahara. It covers a surface area of 1,267,000 km<sup>2</sup>. In 2009, its population was 14,692,000, according to estimates by the National Institute of Statistics. Niger is bounded by Algeria and the Libyan Arab Jamahiriya to the north, Nigeria and Benin to the south, Chad to the east and Mali and Burkina Faso to the west. It became a republic on 18 December 1958 and gained its independence on 3 August 1960. Its capital is Niamey, its currency the CFA franc, and its official language French. It is a country made up mainly of Muslims, who coexist peacefully with Christians and animists. Niger's population comprises nine ethnic groups, who live together harmoniously: Hausa, Djerma-Songhay, Tuareg, Peuhl, Arab, Kanuri, Toubou, Gurma and Buduma. The vast majority of these communities are concentrated in the west and south of the country, where the land is more fertile. The country has a population growth rate of 3.3 per cent per annum. Niger is rich in subsurface resources, in particular uranium, coal, iron, gold, phosphate, cement and oil. Agriculture and livestock breeding are an important part of the economy.

4. Niger is ranked among the world's poorest countries according to the human development index (HDI). GDP was estimated at 2,480.5 billion CFA francs in 2009. According to the National Institute of Statistics, the national poverty rate was estimated at 62.1 per cent in 2005 and 59.5 per cent in 2008. In view of this worrying situation, the country has prepared a strategy for accelerated development and poverty reduction (2008–2012) aimed at improving social indicators by 2012, by reducing the poverty rate to 42 per cent.

## **B. Institutional framework**

### **1. State institutions**

5. With the holding of the National Conference in 1991, Niger initiated a democratic process that has been interrupted on three occasions by the intervention of the army in the political arena (1996, 1999 and 2010). Following a political and institutional crisis and the intervention of the army in the political arena on 18 February 2010, the country is in a period of transition which is scheduled to end in April 2011. During this period, the organization of powers is regulated by Ordinance No. 2010-01 of 22 February 2010, as amended by the Ordinance of 30 March 2010. The governing institutions are:

(a) The Supreme Council for the Restoration of Democracy, the highest body responsible for outlining and developing national policy, has set as its main objectives the fight against corruption, impunity and poverty. The Chairman of the Supreme Council, Lieutenant-General Djibo Salou, holds the office of Head of State and of Government. On 11 March 2010 he signed two ordinances on the ineligibility of members of the Supreme Council and the Government to contest future elections and on the neutrality of heads of transitional bodies;

(b) The Prime Minister leads and coordinates Government activities;

(c) The National Advisory Council is the transitional body responsible for advising on the basic laws that will govern the next Republic;

(d) The Constitutional Council, which has jurisdiction in constitutional and electoral matters, verifies whether referendums and presidential, legislative and local elections are legal, transparent and fair. It also rules on electoral disputes;

(e) The National Media Observatory is the independent administrative authority tasked with regulating the media (press, broadcast media and press advertising). It is made up of 13 members, including 10 from civil society;

(f) The National Human Rights Observatory, which is the administrative authority responsible for ensuring that rights and freedoms are protected effectively, was established on 30 March 2010. It is made up of 12 members, including 10 from civil society;

(g) The Independent National Electoral Commission is responsible for preparing and organizing elections to return the country to a constitutional system.

### **2. Administration of justice**

6. All of Niger's Constitutions have enshrined the principle of the rule of law. Justice is dispensed in the name of the people. Under Act No. 2004-50, article 1, justice is administered in civil, commercial, social, criminal, financial and administrative matters by the Court of Cassation, the Conseil d'Etat (supreme administrative court), the Audit Court, the courts of appeal, the assize courts, the regional courts, the district courts, the labour courts and the juvenile courts. The same Act recognizes the principles of a fair trial, particularly the publicity of hearings, the rights of the defence and reasoned verdicts.

7. The number of judges in Niger has increased from 1 in 1964 to 374 in 2010, making it possible to introduce a collegiate system in the regional courts. In addition to professional lawyers, the State has established a system of assigned counsel to defend vulnerable persons.

8. The independence of the justice system has always been recognized in the country's Constitutions. When engaged in the business of the courts, judges are independent and subject only to the authority of the law. This independence is sometimes affected by

political and social interference. The principle of the irremovability of judges, the main guarantee of the independence of the justice system and the judiciary, is also recognized.

## **C. Normative framework**

### **1. At the international level**

9. The Republic of Niger is party to the main international legal instruments: the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and its optional protocol; the Slavery Convention and its supplementary texts; the eight core Conventions of the International Labour Organization, namely the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), the Convention concerning Forced or Compulsory Labour (No. 29), the Convention concerning Freedom of Association and Protection of the Right to Organise (No. 87), the Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98), the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), the Convention concerning the Abolition of Forced Labour (No. 105), the Convention concerning Discrimination in Respect of Employment and Occupation (No. 111) and the Convention concerning Minimum Age for Admission to Employment (No. 138); and the Rome Statute of the International Criminal Court; and the Geneva Conventions of 1949. It has also endorsed the Millennium Development Goals.

10. These instruments have been incorporated into the domestic legal system. Every Constitution has recognized the primacy of international treaties ratified by Niger over domestic law.

### **2. At the regional level**

11. Niger has ratified, *inter alia*, the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of the Child; the statutes of the Court of Justice of the Economic Community of West African States and of the African Court of Justice and Human Rights; and the African Union Convention on the Prevention and Combating of Corruption. It also adheres to human rights commitments undertaken in the framework of the Economic Community of West African States (ECOWAS) and the International Organization of la Francophonie, in particular the Bamako Declaration on the practices of democracy, rights and freedoms.

### **3. At the national level**

12. Since its independence, Niger has developed a legal framework that is adapted to its situation and meets the requirements of human rights protection. Relevant legislation includes: the Criminal Code, revised in 2003, and the Code of Criminal Procedure which take into account areas of concern addressed by the international conventions ratified by Niger (female genital mutilation, sexual harassment, slavery, terrorism, the limitation and supervision of pretrial detention ...); and the Nationality Code, which was amended in 1999 to allow women to transmit their nationality to their children on an equal footing with men.

13. Currently, the normative framework is regulated by Ordinance No. 2010-001 of 22 February 2010 on the organization of public powers during the transitional period, as amended by Ordinance No. 2010-005 of 30 March 2010.

### **III. Promotion and protection of human rights on the ground**

14. The promotion and protection of human rights constitute a priority for the State. Various State institutions, with the involvement of civil society, contribute to the implementation of mechanisms for protecting and promoting these rights.

#### **A. The right to life, security of person and respect for privacy**

15. The various Constitutions adopted by Niger recognize the principles contained in the Universal Declaration of Human Rights, in particular the sanctity of the human person. The Criminal Code penalizes any attempt on life. Therefore, abortion, infanticide, parricide and the murder and abandonment of children constitute offences, for which their perpetrators, co-perpetrators and accomplices are punished in accordance with the law.

16. Security of person is a guaranteed right. Arbitrary detention and arrest are punished in accordance with the law. Cruel, inhuman and degrading treatment, torture, enforced disappearance and abduction, albeit rare, are nevertheless punishable by law. The death penalty has not been abolished, but has not been used since 1975.

17. Since the 2003 reform, regulations governing detention in custody pay more attention to human rights concerns, particularly due process of law. In order to prevent possible abuses, law enforcement and security forces receive ongoing human rights training.

18. Respect for privacy is guaranteed by law. Violation of the sanctity of the home, defamation, and insults are punishable. Searches, house searches, seizures, the confidentiality of correspondence and telephone tapping are regulated.

19. Despite the calm that has prevailed since the end of 2009, residual insecurity jeopardizes respect for the right to life and security. The problem of access to natural resources sometimes results in bloody conflict between herders and farmers. The high rate of road traffic deaths is also a source of concern.

20. In order to overcome these difficulties, Niger has taken a number of steps including the implementation of peace agreements (on disarmament, demobilization, and reintegration of ex-combatants) and the creation of a high authority for the restoration of peace and the consolidation of democracy. In order to prevent conflicts between herders and farmers and to facilitate their peaceful settlement, the State has taken several measures including the establishment of land commissions, pursuant to Ordinance No. 93-015 of 2 March 1993.

#### **B. The freedoms of religion, expression and association, participation in political and public life and the right to information**

##### **1. The freedoms of religion, expression and association**

21. Niger's Constitutions have always guaranteed the freedoms of expression, religion and association which are exercised with due regard to public order, social peace and national unity. Freedom of association is exercised pursuant to Ordinance No. 84-06 of 1 March 1984 governing associations and amendments thereto.

22. Niger in 2010 has, in addition to the State media, 33 private radio stations, 120 community radio stations, 11 foreign radio networks, 5 private television channels, 3 multichannel packages and 62 privately owned newspapers.

23. Notwithstanding the framework guaranteeing these rights, some violations of press freedoms have occurred (the arrest of journalists and the suspension of broadcasts of some private radio and television stations).

24. All religious faiths coexist harmoniously. Although the country is predominantly Muslim, the number of churches has increased in recent years.

25. The year 2010 has been marked by significant progress in a number of areas: consultations have been held on the state of the press, the *Maison de la Presse* (press club) has reopened, the charter on access to information has been drafted, Ordinance No. 2010-035 of 4 June 2010 on the decriminalization of press offences has been adopted, and so on.

## **2. Participation in political and public life**

26. Participation in political and public life is guaranteed in Niger. Within the framework of the political transition, citizens will be invited in the coming months to choose their representatives to the national assembly, in the municipalities, and to elect the President of the Republic. Political parties carry out their activities freely. Women's participation in political life has improved, thanks to the adoption of the Quota Act, which ensures that a minimum of 10 per cent of elected posts and 25 per cent of appointed posts are assigned to each gender. As a result of the 2004 legislative elections, women members of parliament held 14 seats out of a total of 113. There were 8 female ministers in the Government out of a total of 32. The current transitional Government has 20 ministers, 5 of them women.

27. With respect to young people and children, the establishment of a youth parliament in 2002 has helped consolidate this right. However, poverty and entrenched attitudes are obstacles to such participation.

28. In order to encourage improved participation in political and public life, Niger has established several mechanisms for social dialogue and consultation, in particular the National Council for Political Dialogue, the National Commission for Social Dialogue, and the National Labour Council, and has encouraged the civil society actors' systematic involvement in national institutions.

## **3. The right to information**

29. The right to information has always been recognized in Niger's Constitutions. It is guaranteed by several pieces of legislation, including Ordinance No. 93-31 on the broadcast media and Ordinance No. 2010-035 of 4 June 2010 regulating the freedom of the press.

30. In order to strengthen this right, Niger has adopted a national communication policy for development and established a High Commission for New Information and Communication Technologies.

31. There has been some improvement with respect to the modern broadcast media. In 2006, 51 per cent of households had a radio and 6.2 per cent a television, as compared with 33 per cent and 4.9 per cent respectively in 1998. There is a marked difference between urban and rural areas (34.1 per cent of households have a television in urban areas as compared with 0.5 per cent in rural areas).

32. Internet use is essentially an urban phenomenon. Factors that limit Internet take-up include the lack of an Internet culture, the low speed and bandwidth of connections and their high cost.



33. A draft charter on access to information is currently being considered by the National Advisory Council with a view to its adoption.

### **C. Access to justice**

34. Access to justice is free and without charge. The Universal Declaration of Human Rights has been directly incorporated into the domestic legal system and can be invoked before the courts in Niger, just as the Convention on the Rights of the Child is regularly invoked with respect to provisions concerning the best interests of the child, particularly in cases involving adoption and custody.

35. Although this principle is recognized, a number of difficulties remain on account of the remoteness of the judicial system from the public, and the sheer size and isolation of certain rural areas, which are particularly difficult to access during the rainy season. Further difficulties include lumbering judicial procedures, the inaccessibility of legal language and the high illiteracy rate.

### **D. Detention conditions, torture and ill-treatment**

36. The Criminal Code (art. 222 et seq.) penalizes “assault and battery and other intentional crimes and misdemeanours”. The Code of Criminal Procedure (art. 71 (3)) states that suspects shall be informed of their right of access to a lawyer after 24 hours in custody, failing which the proceedings shall be declared null and void. Subparagraph (5) of the same article states that “when a person is brought before a judicial authority, a medical certificate must be produced, attesting that he or she has not been subjected to ill-treatment”.

37. In order to improve oversight of detention conditions, there are monitoring committees in every prison, and judges dealing with the cases of detainees may make regular visits to prisons at any time. The presence of United Nations Volunteer programme lawyers in prisons in the regions and in Kollo helps raise awareness among detainees of their rights and obligations. In 2008, the State restored 16 prisons that were in ruins.

38. Despite considerable efforts by the State, most prisons fail to meet international norms and standards. Niamey prison has a capacity of 350 but in 2008 it housed 691 detainees.

39. In order to improve the justice system, reforms have been undertaken with the support of external partners. All the same, it must be acknowledged that these reforms have encountered difficulties such as inadequate infrastructure and human and material resources, dilapidated custody cells, cramped and unhygienic places of detention, a lack of equipment in police and gendarmerie facilities, and prison overcrowding.

### **E. The right to education**

40. The promotion and protection of economic, social and cultural rights are a major concern for the authorities in Niger.

41. Consequently, everyone has the right to education without distinction as to age, sex, social, racial, ethnic or religious origin or disability. Education is free of charge in Niger. Several measures have been taken to promote education: recognition of the right to education for children with disabilities (Ordinance, 1993); Act No. 98-12 of 1 June 1998 setting out the aims of Niger’s education system and making primary education compulsory; establishment of the diploma in vocational studies and the certificate of vocational competence; the establishment of institutes of technology in three regions in

2004 and their upgrading to university status in 2010; implementation of a 10-year educational development programme aimed at achieving Millennium Development Goal 2; establishment of a directorate for the promotion of girls' school enrolment in order to promote gender equality in Niger's education system and reduce disparities between boys and girls.

42. Access to education has improved at all levels. The gross preschool enrolment ratio increased from 1.6 per cent in 2006–2007 to 2 per cent in 2007–2008 and to 2.5 per cent in 2008–2009. The gross primary enrolment ratio increased from 57.1 per cent to 74.1 per cent between 2007 and 2010. The rate for girls showed a greater increase than that for boys, rising by 19.4 per cent, compared with 14.2 per cent for boys.

43. In 2008–2009, 18.4 per cent of pupils (i.e. 40,490 children) enrolled in basic cycle 2 attended private schools. The number of pupils in the private sector rose by 17.7 per cent compared to 2007–2008. In secondary education, 10,836 pupils out of a total enrolment of 27,643 (approximately 39.2 per cent) attended private schools in 2008–2009. The number of pupils in private schools rose by almost 17.5 per cent (10,836 pupils enrolled in 2008–2009 as compared to 9,221 in 2007–2008).

44. The proportion of women able to read and write is approximately 12 per cent, compared to 28 per cent for men. Moreover, one third of women drop out during the programme and only half successfully complete the course.

45. Arabic is taught as part of the Franco-Arabic education system. In 2008, the number of pupils enrolled in this system accounted for 10 per cent of all children in primary education, with a growth rate of 50 per cent in public madrasas and 20 per cent in private madrasas during the period 2005–2006. Koranic schools provide teaching in the Koran and the Islamic faith for children and adults of both sexes. In recent years, this type of education has grown, following the introduction of literacy courses and vocational training for talibes.

46. Regarding technical education, there were 13,379 students in technical and vocational training establishments in 2007–2008, i.e. 8 per cent of all students in secondary education. Girls accounted for 54 per cent of students and boys for 46 per cent. In 2006–2007, the target population for this type of education was estimated at 294,546 pupils. As for higher education, the number of students enrolled in the country's universities in 2008–2009 was as follows: Abdou Moumouni University of Niamey, 9,854 students; the Islamic University of Say, 1,091 students, including 197 girls, and 89 in the Institutes of Technology.

47. In nomadic areas, schools rely on their canteens to survive. Keeping canteens open has contributed significantly to increased pupil numbers.

48. The education of children with disabilities is encouraged, but educational provision for these children is very limited. There are three schools for children with hearing disabilities (Niamey, Maradi and Zinder) and one for blind children in Niamey. There are five integrated classes for blind children in regular public schools (Konni, Maradi, Zinder, Agadez and Tahoua).

49. While the State has done a great deal in the area of education, its effectiveness is limited by socio-economic constraints, and a number of challenges remain: inadequate financial resources and infrastructure, low level of teachers' qualifications, entrenched social and cultural attitudes, the mismatch between literacy programmes and the population's concerns and needs, and the low level of resources, in terms of both quantity and quality, in higher education.

50. Niger has undertaken several measures in the area of culture, including the establishment of public reading centres, support for the creation, production and dissemination of artistic and cultural activities, the establishment of regional museums and

centres for developing the professional skills of cultural actors, and the establishment of a joking kinship week.

## **F. The right to work, employment and social security**

### **1. Work and employment**

51. In order to guarantee decent and productive work, Niger has to date ratified 36 ILO conventions including the 8 core conventions. These instruments have been translated into the national languages. Labour inspectors and controllers monitor the implementation of social legislation. There are nine labour inspectorates. Niger had 3,575 companies in 2007, as compared to 3,381 in 2006, i.e. 194 new start-ups. In 2007, the number of workers in the private sector was 54,010, including 11,544 women, compared to 47,574 in 2006, representing a year-on-year increase of 6,436 jobs in the private sector. Current reform of the Investment Code and the Labour Code will create favourable conditions for private investment and generate decent jobs.

52. After a civil service recruitment freeze lasting more than 10 years, Niger started taking on young graduates again in 2007. In 2008 a total of 3,000 officials (all grades combined) were recruited; 6,000 contract workers were recruited into the education system in 2009.

53. In July 2010, Niger, with ILO support, initiated the process to develop its decent work country programme with the strategic objective of promoting standards, employment, expansion of social protection and social dialogue. Freedom of association has encouraged trade union pluralism, and 10 trade union federations and 2 employers' organizations have been established.

54. In 2009, Niger adopted the framework document on national employment policy. As part of this initiative, an emergency three-year action programme to promote youth employment in Niger (2010–2012) was adopted. As a result, the National Agency for the Promotion of Employment has implemented a programme to help young graduates into work.

### **2. The right to social security**

55. The social security system is basically administered by the National Social Security Fund. There are 47,570 contributing members (all schemes combined). Risk coverage is provided by the following schemes: (a) the pension scheme, which covers old age, invalidity and survivors' benefits; (b) the family benefits scheme, covering costs related to the birth of a child in a worker's family; (c) work accidents and occupational diseases scheme.

56. State officials are reimbursed 80 per cent of their hospitalization and medical examinations costs from the national budget. In parallel to this system of social security, insurance firms and mutual insurance schemes also offer health care in some companies.

57. The reason for the low level of social security coverage in Niger is the predominance of the informal sector. Workers in this sector, numbering 667,935 (282,959 of them women) are not registered with the National Social Security Fund, nor are agricultural workers covered by the social security system. The State is considering extending social protection to workers in the informal economy in order to incorporate these sectors.

58. The main challenges regarding the right to work, employment and social security relate to creating a better match between the real needs of the country in terms of human

resources and training, the exclusion of most of the population from the social protection system, and the failure to meet decent work standards in the informal sector.

## **G. Rights of internally displaced persons, migrants, slavery and trafficking**

59. Act No. 97-016 of 20 June 1997 on the status of refugees contains provisions on the definition of refugee and on inclusion, exclusion and cessation clauses, as well as non-refoulement, expulsion and non-extradition of refugees. There is also a national commission on eligibility for refugee status. Any refusal to grant refugee status may be appealed against before the Discretionary Remedy Committee. The National Commission on Eligibility for Refugee Status has held 19 meetings to hear cases of eligibility. Several protection and assistance activities have been carried out jointly with the Office of the United Nations High Commissioner for Refugees.

60. In Niger, Ordinance No. 81-40 governs the conditions of immigrant's entry and residence and there is an inter-ministerial committee responsible for preparing a national policy document on migration. The State established two reception and humanitarian assistance centres for undocumented migrants in distress in 2009, with the support of the International Organization for Migration.

61. The Criminal Code (arts. 270.1–270.5) defines the offences of slavery. A 2008 nationwide survey highlighted the existence of a number of practices similar to slavery in rural areas and in some nomadic, caste-based societies. In 2009, a conviction for placing a person in conditions of slavery was handed down by the criminal court of N'Guigmi.

62. It is difficult to assess the scale of trafficking because of its clandestine nature. Nevertheless, the existence of trafficking was confirmed by a study carried out in 2005 by the Niger Association for the Defence of Human Rights among 1,540 households throughout the country. According to the services concerned (police, gendarmerie and justice), trafficking in women and children is increasing in Niger. It takes many forms, including the exploitation of girls in domestic service, domestic trafficking of girls into brothels, and trafficking of girls abroad. Given the complex nature of the problem and the need to repress it, in 2010 the Ministry of Justice and Human Rights began preparing an ordinance designed to combat trafficking in persons.

## **H. The right to health**

63. Niger has endorsed the health-related Millennium Development Goals. Its Constitutions have always enshrined the right to health. This right is also guaranteed by other legislation: (a) Ordinance No. 93-13 of 2 March 1993 establishing a public health code; (b) Act No. 2006-12 on tobacco control; (c) Act No. 2007-08 on the prevention, treatment and monitoring of HIV/AIDS; (d) Ordinance No. 97-002 on legislation on pharmaceuticals; (e) Decree No. 2005-316/PRN/MSP/LCE providing for free caesarean section operations in public hospitals; (f) Order No. 79/MSP/LCE/ME/F providing for free antenatal care and under-five child care; (g) Act No. 2006-16 on reproductive health in Niger.

64. Niger has also adopted the 2002 health policy statement, strategic guidelines for health development in the first decade of the twenty-first century (2002–2011), the health development plan (2005–2009) drafted in accordance with the United Nations Development Assistance Framework, the national reproductive health programme and the road map for action on reducing maternal and neonatal mortality in Niger (2006–2015).

65. Services are provided by a network of care facilities with a three-level hierarchy. At the local level, there are 829 integrated health centres (822 currently in operation), to which are attached 2,499 health huts, 2,154 of them currently in operation (86.19 per cent). First-referral level care is provided by 33 district hospitals, 28 of them equipped with an operating theatre. At the regional level, second-referral care is provided by six regional hospitals and two maternity hospitals. At the national level, there are three referral hospitals and a maternity referral hospital. The private sector is still small, and concentrated in Niamey. It consists of 45 private clinics, 34 doctor's surgeries and 3 private hospitals.

66. With respect to the production, supply and distribution of medicines, Niger has one production facility, seven purchasing units and a network of public and private pharmacies, complemented by community and village dispensaries.

67. Health spending as a share of the budget rose from 5.9 per cent in 2005 (26.8 billion CFA francs) to 9.5 per cent (70.3 billion CFA francs) in 2009. It fell to 7.85 per cent (50 billion CFA francs) in 2010, following the withdrawal of technical and financial partners.

68. In 2009, the maternal mortality rate (6.48 per thousand) and the child and infant mortality rate (198 per thousand) were still very high, making it difficult to achieve Millennium Development Goals 4 and 5.

69. The health coverage rate is 71 per cent but the percentage of the population within a 5-kilometre radius of health centres providing a minimum package of health services remains low: 44.08 per cent in 2009 and 48.34 per cent in the first quarter of 2010.

70. To ensure access to health care for vulnerable groups, the Government has made the following services free of charge: Caesarean sections (2005), under-five childcare, antenatal care, family planning and the treatment of cancer that affects women (2006). As a result, the number of children under 5 receiving treatment rose from 4,422,864 in 2008 to 5,184,321 in 2009; the number of Caesarean sections rose from 5,698 in 2008 to 8,799 in 2009.

71. As a result of the provision of free health care, various indicators showed a marked improvement during the period 2005–2009, including the rate of antenatal care coverage, the measles vaccination rate, the contraceptive prevalence rate and the number of obstetric complications treated, Caesarean section operations and births attended by skilled personnel. The percentage of pregnant women receiving intermittent treatment for malaria increased from 1 per cent to 86.3 per cent.

72. The percentage of health facilities staffed by personnel in accordance with regulations increased from 36 per cent in 2005 to 60.8 per cent in 2009, with ratios of 1 doctor per 43,000 inhabitants, 1 nurse per 5,591 inhabitants and 1 midwife per 25,000 women of childbearing age.

73. The policy to perform surgery at district hospitals has improved surgical care, particularly with respect to obstetric complications. The number of district hospitals equipped with an operating theatre increased from 8 in 2005 to 26 in 2009.

## **I. The right to food**

74. The right to food is a basic right in Niger. Several laws have been adopted, including those on the functioning of the health authority and safety controls on food imports or exports. The State has established the Food Crisis Unit and the Early Warning System Coordination Unit responsible for gathering data to assess crisis risk and developing intervention strategies.

75. The main crops are cereals, pulses and tubers. Fresh local produce makes up 70 per cent of the diet of Niger's population. There is a shortfall in domestic production on average once every three years, hence the need for imports. Food insecurity in Niger is chronic, seasonal (June to September) and transitory (drought, floods, insect invasions and epidemics).

76. The year 2010 was marked by a food crisis. According to the national survey on household vulnerability conducted in April 2010, more than 7 million people are affected by food insecurity. In June 2009, a national nutrition and survival survey revealed a global acute malnutrition rate of 12.3 per cent. In 2008, the acute malnutrition rate among children aged 6 to 59 months was 10.7 per cent. Among these children, 0.8 per cent suffer from the most severe form of acute malnutrition. In the same year, the proportion of children aged 6 to 59 months with retarded growth was 39.3 per cent, 14.2 per cent of whom exhibited a severe form.

77. Measures taken by the State to address these crises include free food distribution, establishment of nutritional rehabilitation centres, sale of low-cost animal inputs, establishment of cereal banks, seed distribution, cash-for-work and food-for-work programmes, promotion of irrigated crops, and livestock restocking.

## **J. Access to safe drinking water**

78. The water sector is governed by Ordinance No. 2010-09 on the Water Code in Niger, which recognizes the basic right of all citizens to access to water in sufficient quantity to satisfy their personal and domestic needs. There is a national commission on water and sanitation, which advises on water management-related issues.

79. In order to achieve the Millennium Development Goals, Niger has set itself the objective of reaching an 80 per cent rate of access to safe drinking water in rural areas and 82.5 per cent in urban areas. Between 2000 and 2009, the rate of coverage of drinking water needs rose from 64 per cent to 72.7 per cent in urban areas and from 51.5 per cent to 63.72 per cent in rural areas.

## **K. The right to a healthy and sustainable environment**

80. Several legislative and regulatory measures have been taken in the area of the environment. Various plans and strategies have been developed and implemented, in particular the national environment plan for sustainable development, the national action plan on the prevention of desertification and the management of natural resources, the national strategy and action plan on climate change and the policy and strategies on water and sanitation. For several decades, Niger has been faced with deteriorating environmental resources. Several factors contribute to this situation.

81. Industrial plants (processing of uranium, gold, coal and cement) produce waste that is discharged into the river, the soil and the air. This waste causes several illnesses.

82. Household waste management remains inefficient. Although the State has introduced a waste collection tax, rubbish is dumped and burned in populated areas. Municipalities lack adequate resources to manage this waste. Waste water is also usually discharged into street gutters.

83. In 2006, only 9.3 per cent of households had electricity but there is a disparity in the availability of electricity between urban areas (47.2 per cent) and rural areas (1.5 per cent).

84. The average annual flows of most watercourses had decreased. The flow of the River Niger at Niamey has fallen by between 40 per cent and 60 per cent since the early 1970s. The surface area of Lake Chad has dropped from 37,000 km<sup>2</sup> in 1950 to under 2,000 km<sup>2</sup> in 2000.

85. The area covered by natural forest is also decreasing. There were 14,196,400 hectares in 1989, as compared to approximately 5,000,000 hectares in 2006.

86. Land use, climate change and poaching have had an adverse effect on biodiversity. In 1998, there were almost 3,200 species of animals, 512 species of birds, 150 species of reptiles and amphibians and 112 species of fish. In 2004, it was estimated that wildlife numbers had fallen by almost 90 per cent.

## **L. The right to decent housing**

87. Act No. 98-54 of 29 November 1998 adopting the national housing policy has the following objectives: establishment of a national housing fund; establishment of a housing bank; establishment of an agency for urban renewal and planning; improvement of existing housing; institutionalization of housing cooperatives and mutual savings banks; and encouragement for private investment in the real estate sector. Current national needs are estimated at more than 40,000 new housing units per year. More than one third of households in the urban community of Niamey live in housing with straw fences, which indicates the shabbiness of the housing.

88. According to a 2007 interim report on the characteristics of housing and the living environment of the population by the National Institute of Statistics, more than half the population (57.14 per cent) live in traditional housing built with local materials (adobe, clay, wood and straw); 25.8 per cent in dwelling huts (using the same materials); and 8.8 per cent in permanent structures. Apartment buildings (0.06 per cent), detached houses (0.77 per cent) and shacks (0.16 per cent) are the least common types of housing.

## **M. The right to own land**

89. Land ownership is governed by the decree of 1932 regulating landed ownership in French West Africa. Under article 2 of Ordinance No. 59-113 C.N of 11 July 1959 regulating private land in Niger, the confirmation of customary rights exercised collectively or individually over land not appropriated in accordance with the provisions of the Civil Code or the system of registration is the subject of a special resolution.

90. Concessions are classified and granted according to their situation or use on the basis of the following categories: (a) rural concessions granted for purposes of agriculture, livestock breeding, forestry or farming; (b) urban concessions include plots situated in town centres with or without services and near housing estates (suburban areas), within at least three kilometres; (c) industrial concessions granted with a view to setting up a factory or any other structure built for the purpose of producing, processing or converting raw materials.

91. In principle, concessions are always granted provisionally and against payment for a period fixed in the concession contract. Terms relating to the use, lease and transfer of land granted are fixed in both the concession contract and the provisions of the allotment plan.

92. Most disputes relating to land ownership concern:

- (a) Field boundaries;

- (b) Land acquired by inheritance, donation or adjudication by customary authorities;
- (c) Ways of acquiring land among rural populations that are not legally authenticated;
- (d) Cases of expropriation for a public purpose;
- (e) Failure to respect transhumance corridors.

## **N. Specific rights**

### **1. Rights of the child**

93. Niger's various Constitutions have provided for the promotion and protection of children's rights. With respect to the registration of children at birth, the Civil Status Act adopted in December 2007 requires parents or any other person present at the birth to register the child within a period ranging from 10 to 30 days under penalty of fines. However, it is important to note the difficulties encountered in meeting this objective, such as a lack of awareness of the practical value of civil status certificates.

94. The Civil Code sets out the adoption procedures for children who have been abandoned or separated from their parents. In cases of divorce, custody of the child is granted to one parent or the other in the best interests of the child. The Civil Code regulates the administration of the property of orphans.

95. The Criminal Code penalizes begging and increases the penalty for those who use children for that purpose. It criminalizes and penalizes the rape of a child under 13 years of age, sexual harassment, and female genital mutilation. The Code increases the penalties in the case of assault against a child under 13 years of age. The Labour Code sets the minimum age for employment at 14 years and regulates the types of work permitted.

96. Ordinance No. 99-11 on juvenile courts establishes all the protection measures provided for in the Convention on the Rights of the Child. Children in conflict with the law are tried by juvenile courts and cannot be sentenced to the death penalty or life imprisonment. Children under 13 years of age are not criminally responsible and are subject to judicial protection measures. Ordinance No. 99-42 increases the penalties for persons who involve children in the importation, possession, transport or exportation of drugs. Ordinance No. 99-68 provides for the establishment of a national fund to support children with disabilities.

97. The General Principles Act on the education system provides for special education for children with disabilities and protects them against discrimination. Other programmes contribute to the realization of children's rights, including the National Plan of Action on the Survival, Protection and Development of Children, and the Juvenile Justice Project.

98. In 2006, the percentage of under-fives whose birth had been registered was 32 per cent (25 per cent in rural areas and 75 per cent in urban areas).

99. Child labour is a matter of concern for the authorities in Niger. The proportion of children aged 5 to 14 years who work fell from 70 per cent in 2000 to 47 per cent in 2006, thanks to the efforts of the State, NGOs and associations involved in the fight against child labour, with ILO support through its International Programme on the Elimination of Child Labour (IPEC). There is a significant disparity between rural areas (59 per cent of child workers) and urban areas (37 per cent). Many children engage in hazardous work, for example those aged 5 to 17 years who work at the gold washing sites in Komabangou and M'bangou.



100. In 2006 the regional directorates of the Ministry for the Advancement of Women and Protection of Children estimated the number of street children to be 11,042. According to the Demographic and Health Survey and the multiple indicator cluster survey, in 2006, 31 per cent of children were separated from at least one of their biological parents as compared to 17.4 per cent in 2000. Wards of the State are entrusted to the Care Centre for Children with Family Difficulties in Niamey. In 2008, the Centre admitted 38 children as against 17 in 2000. With respect to children in conflict with the law, in 2008 the number of minors detained in the country's 37 prisons stood at 207 (181 boys and 26 girls).

101. Early and forced marriages are a reality in Niger. According to the 2006 Demographic and Health Survey and the multiple indicator cluster survey, half of the women in the age group 25–49 had been married by the age of 15.5 years. The median age at first marriage had increased slightly from 1998, when it was 15.1 years. In 2006, the national prevalence rate of female genital mutilation/excision was 2.2 per cent, i.e. half the 1998 figure of 5.6 per cent.

## **2. Women's rights**

102. The advancement and protection of women's rights are matters of permanent concern for the public authorities. The revision of the Criminal Code in 2003 took certain women's issues into account. Sexual harassment, female genital mutilation, slavery, procuring, incitement to immorality and rape are severely punished by the law.

103. The Quota Act is a major piece of legislation on the promotion of women's rights. A code on personal status governing family relationships is currently being drafted for adoption. Two major policies contribute to the effective exercise of women's rights: the national policy on social development, which incorporates the advancement of women in one of its sectoral strategies, and the National Gender Policy adopted in 2008.

104. Physical, verbal and psychological violence is difficult to assess because of the lack of official statistics. Nevertheless, ad hoc studies indicate that it is an everyday part of women's lives. In addition to these forms of violence, there are other customary forms, such as repudiation and forced marriage. Depending on custom, women from some ethnic groups are deprived of property, including land when an inheritance is divided up. Examples of violations of women's rights include the economic exploitation of women when they are deprived of certain essential property; prevented from engaging in development activities; ill-treatment of domestic workers; and trafficking.

## **3. Marriage and family life**

105. All of Niger's Constitutions have recognized marriage as the natural and moral basis of the human community. The State, and public bodies have a duty to ensure the physical, mental and moral health of the family. Only opposite-sex unions are entered into and recognized.

106. In Niger, marriage is governed by both customary and civil law. However, most marriages are celebrated under customary law. Act No. 2004-50 on the organization of the judiciary provides that customs are applicable in family law as long as they do not contradict international conventions duly ratified by Niger.

107. The Civil Code states that men under the age of 18 years and women under the age of 15 years may not enter into marriage. Customary law does not set a legal marriageable age. Polygamous marriage is governed by customary law and religion. Polygamous unions are widespread in both rural and urban areas. There has been little change in the frequency of polygamy: 38 per cent of women and 24 per cent of men were in polygamous unions in 2008, as compared to 36 per cent and 22 per cent, respectively, in 2006.

108. With respect to the resolution of disputes under family law, courts and customary authorities are competent to hear such cases. Currently, there is no legislation on family law. All attempts at codification from 1976 onwards have been unsuccessful. The role played by husbands is a factor that greatly influences decisions about the spacing of children; 18 per cent of women involved in decision-making use a means of contraception, as compared to 7 per cent of those who have no say in decisions affecting the couple. Women are generally responsible for children's education and care, although parental authority is exercised by men.

#### **4. The rights of persons with disabilities**

109. Ordinance No. 93-012 of 2 March 1993 defines the minimum rules for the social protection of persons with disabilities. Pursuant to that Ordinance, two decrees were adopted in 2010, one establishing the National Committee for the Advancement of Persons with Disabilities and the other on the organization, powers and functioning of the Committee. Article 9 of Decree No. 96/456/PRN/MSP provides for 100 per cent coverage of hospitalization costs for persons with disabilities.

110. Under article 21 of the Ordinance, all public or private establishments with at least 20 employees are required to reserve 5 per cent of jobs for persons with disabilities. The implementation of this article enabled 150 graduates with disabilities to be recruited into the civil service between 2007 and 2009.

111. The 2001 general population and housing census found that persons with disabilities represent 0.73 per cent of the total population (44,025 men and 36,010 women). Girls account for 45 per cent of children with disabilities. The most common disabilities are lower limb infirmity (13.37 per cent), deafness (10.61 per cent), blindness (11.47 per cent) and mental deficiency (10.23 per cent). A significant proportion of children (33.44 per cent) have more than one disability.

112. The main form of discrimination against persons with disabilities is their stigmatization by society. In some cases, they are also discriminated against in employment.

#### **O. Awareness-raising activities and human rights education**

113. The following awareness-raising and education activities have been carried out in recent years:

- Training for senior personnel in all ministries on the human rights-based approach and on treaty bodies
- Training for members of the inter-ministerial committee on the drafting of initial and periodic reports for United Nations human rights mechanisms
- Training for defence and security forces on human rights
- Training and awareness raising for NGOs on the universal periodic review
- The introduction in 2006 of 16 Days of Activism (25 November–10 December) on women's rights, an initiative of the Framework for Coordination, bringing together representatives of the State, civil society and technical and financial partners
- The "defence caravan" consisting of lawyers who provide free legal services to defendants and the general public

## **P. Cooperation with human rights mechanisms**

114. The State of Niger reaffirms its commitment to continue its cooperation with mechanisms for the promotion and protection of human rights and to fulfilling obligations incurred by ratification of international human rights instruments to which it is party. It has submitted initial and periodic reports to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child. Following consideration of those reports in 2007 and 2009, respectively, Niger started implementing those Committees' recommendations. Actions include:

(a) Establishment of an ethics committee to speed up the procedure for adopting the personal status code;

(b) In the context of the withdrawal of reservations made in respect of the Convention on the Elimination of All Forms of Discrimination against Women, the formulation of an action plan to implement the Convention during the period 2008–2012, including a programme of awareness-raising, training and advocacy for different target groups in 2009;

(c) Continuing efforts to raise awareness of birth registration as part of a national campaign, and the organization of mobile court hearings for birth registration.

115. Regarding cooperation with special procedures mechanisms, the Special Rapporteur on the right to food visited Niger in 2001 and 2005 and received the full cooperation of the authorities in Niger.

116. In view of delays in submitting reports to treaty bodies and its commitment to reduce the backlog, in 2010 Niger set up an inter-ministerial committee responsible for drafting initial and periodic reports for treaty bodies.

## **IV. Achievements, best practices, challenges and constraints**

117. Despite the various political crises that have affected Niger, all the country's Constitutions have proclaimed the commitment of the sovereign people to the principles of pluralist democracy and human rights as defined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

### **A. Best practices**

118. Niger has been tireless in its efforts to implement political, economic and social measures, including:

(a) The population's effective participation in the conduct of public affairs through the process of decentralization;

(b) Establishment of a national human rights observatory and the creation of a national human rights institution in accordance with the Paris Principles following the transitional period;

(c) Adoption of programming laws to ensure nationwide coverage by the Defence and Security Forces;

(d) Implementation of the "Action2" project for the promotion of human rights in Niger;

(e) Decriminalization of press offences;

- (f) Training in humanitarian law for the Defence and Security Forces;
- (g) Establishment of school management committees involving parents in the running of schools;
- (h) Introduction of free health services for under-five child care, Caesarean sections, antenatal care (including the distribution of impregnated mosquito nets to pregnant women and nursing mothers) and the detection and treatment of cancer that affects women and family planning;
- (i) Opening of a judicial section at the National School of Administration, establishment of special courts and improved access to justice (mobile courts, defence caravans);
- (j) Setting up of a permanent system of food security stocks;
- (k) Adoption of the Quota Act for elective or nominative posts and appointments;
- (l) Preparation of human rights training manuals for the police, the national guard, and judges.

## **B. Challenges and constraints**

119. Niger faces enormous challenges and constraints:

- (a) Inadequate capacity of bodies responsible for promoting and protecting human rights, especially regarding the drafting of reports, follow-up to treaty body and universal periodic review recommendations;
- (b) The weight of external debt on investment programmes;
- (c) Persistent residual insecurity in the north of the country;
- (d) Persistence of stereotypes, sociocultural constraints, poverty and illiteracy, which do not facilitate women's participation in decision-making;
- (e) Inadequacy and high cost of access to means of communication and information;
- (f) Inadequate financial and human resources and dilapidated school infrastructure;
- (g) Shortage of specialized educators and adequate facilities, and the high girl's dropout rate;
- (h) Failure to match training to jobs, exclusion of the informal sector from social protection, and weak operational capacity of labour inspectorates;
- (i) The sheer distance between the courts and the public, the remoteness, inaccessibility and isolation of certain rural areas, the slowness of the judicial system, and the high illiteracy rate;
- (j) The distance to the health services, the lack of facilities and specialized personnel, the scarcity and high cost of medicines and the persistently high maternal, infant and child mortality rates;
- (k) Recurrent food insecurity and malnutrition;
- (l) Shortage of safe drinking water;

(m) Accelerated desertification, deforestation, ineffective enforcement of standards for industrial-waste disposal, municipalities' insufficient capacity to manage household waste and waste water, and inadequate capacity to assess the impact of the exploitation of natural resources on human rights;

(n) Inadequate supply of social housing, in terms of both quantity and quality;

(o) The low birth registration rate, particularly in rural areas; child labour; street children; and children in conflict with the law;

(p) Violence against women, the exploitation of girls in domestic service, early and forced marriages, ill-treatment related to repudiation and the economic exploitation of women.

## V. Key national priorities, initiatives and commitments

### A. Priorities and commitments

120. Faced with these challenges, Niger is committed to:

(a) Promoting good governance through transparent conduct of public affairs;

(b) Catching up on its reporting obligations;

(c) Strengthening capacity to follow up on treaty body and universal periodic review recommendations;

(d) Regulating the informal sector;

(e) Combating illiteracy;

(f) Stepping up awareness-raising and training for women in leadership skills;

(g) Continuing efforts to amend the Quota Act;

(h) Adopting the charter on access to information;

(i) Allocating more resources to the education sector;

(j) Integrating human rights education into curricula at all levels of the education system;

(k) Continuing the implementation of the decent work country programme with ILO;

(l) Formulating a national plan of action to combat trafficking, in accordance with the subregional action plan of the Economic Community of West African States;

(m) Adopting the draft ordinance on trafficking in persons;

(n) Bringing justice closer to the public through the creation of new courts;

(o) Establishing a body specialized in prison administration and human rights;

(p) Adopting incentives for health personnel to specialize in certain fields and to help them practise;

(q) Improving access to medicine;

(r) Strengthening existing measures through the setting up of food security stocks;

- (s) Developing research and modernizing the agricultural and livestock sector in order to improve productivity;
- (t) Encouraging investment in the water industry to make better use of Niger's potential water resources;
- (u) Extending the supply of safe drinking water for the population and increasing the number of surface reservoirs for the irrigation of off-season crops;
- (v) Continuing the fight against desertification;
- (w) Implementing the national housing policy;
- (x) Formulating a national child protection policy;
- (y) Implementing the national gender policy and raising public awareness of violence against women;
- (z) Continuing efforts to adopt the personal status code;
- (aa) Formulating and implementing a national human rights plan;
- (bb) Establishing a national human rights commission in accordance with the Paris Principles;
- (cc) Creating a directorate for juvenile judicial protection;
- (dd) Establishing a safe drinking water supply system in all rural villages.

## **B. Initiatives**

121. In order to improve the protection and promotion of human rights, Niger has undertaken:

- (a) The establishment of legislation departments in every ministry;
- (b) The overhaul of the commission responsible for legislative reform in the Ministry of Justice and Human Rights;
- (c) The adoption of a national gender policy in 2008;
- (d) The expansion of the Ministry of Justice into a ministry responsible for justice and human rights in 2010;
- (e) The establishment of a ministry responsible for the advancement of women and the protection of children;
- (f) The establishment of the National Observatory for Human Rights and the National Observatory for Communication in 2010;
- (g) The establishment of the National Commission for Social Dialogue comprising representatives of the unions and the State;
- (h) The National Council for Political Dialogue;
- (i) The National Labour Council;
- (j) The National Commission on Economic, Financial and Tax Crime and Promoting Good Governance;
- (k) The High Authority for National Reconciliation and the Consolidation of Democracy;
- (l) The High Authority for Food Security;

(m) The establishment of an inter-ministerial committee responsible for drafting treaty body and universal periodic review reports.

## **VI. Expectations in terms of capacity-building and requests for technical assistance**

122. Given the sheer scale of the challenges and constraints facing Niger, appropriate technical assistance from the international community will be vital in providing effective support to the country in its determination to restore the rule of law and to strengthen its human rights capacities in the following areas:

- (a) Experience-sharing initiatives with a view to building capacity to regulate the informal sector;
- (b) Training for women in advocacy techniques in order to encourage their participation in decision-making processes;
- (c) Formulation of a national action plan to combat trafficking in persons;
- (d) Building the capacities of the high courts and special courts;
- (e) Establishment of a legal and judicial assistance scheme;
- (f) A programme of legal and judicial information for persons on trial;
- (g) Establishment of a body specializing in prison administration and human rights;
- (h) Building and equipping health facilities;
- (i) Increased availability of safe drinking water;
- (j) Implementing anti-desertification measures;
- (k) Training in assessing the impact of the exploitation of natural resources on human rights;
- (l) Funding for social housing;
- (m) Formulating a national child protection policy;
- (n) Implementing the national policy on gender and raising awareness of violence against women;
- (o) Efforts to adopt a personal status code;
- (p) Establishing and building the capacity of a national human rights commission in accordance with the Paris Principles;
- (q) Building the capacities of various civil society and State actors involved in human rights;
- (r) Establishing a strategy to prevent school dropout, in particular among girls;
- (s) Building the State's capacities to deal with residual insecurity;
- (t) Education and vocational training for persons with disabilities;
- (u) Drafting initial and periodic reports for treaty bodies and the universal periodic review;
- (v) Strengthening the civil registration system;

(w) Following up on recommendations made by treaty bodies and during the universal periodic review.

## **VII. Follow-up to the universal periodic review**

123. With respect to follow-up to the universal periodic review, Niger intends to take the following measures: the organization of a national workshop to report back on the conduct of the review; the preparation of an internal assessment of follow-up; the drafting and submission of a midterm report to the Human Rights Council on the implementation of the universal periodic review recommendations; and the drafting of a human rights action plan by the inter-ministerial committee. As with the preparation of the universal periodic review, interested stakeholders (the National Commission on Human Rights and Fundamental Freedoms and civil society) will be involved in this process.

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