



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report -
Universal Periodic Review:**

NIGER

I. BACKGROUND AND CURRENT CONDITIONS

Niger is a party to the 1951 Convention Relating to the Status of Refugees (hereafter the 1951 Convention) and its 1967 Protocol, as well as to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The latter provides a definition of a refugee based on the 1951 Convention, and adds that a refugee is also 'every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality'. Both definitions are incorporated in Niger's 1997 Law on Refugee Status.

To UNHCR's knowledge, Niger has in general respected the *non-refoulement* principle and has made continuing commitments to ensure the right to asylum for asylum-seekers and refugees on its territory. UNHCR has no office in Niger and works directly with its implementing partner Caritas Développement (CADEV) and the Government, represented by the 'Commission Nationale d'Eligibilité (CNE). The CNE is in charge of conducting refugee status determination (RSD). The details of the latter procedure are stipulated in the Decree of the Ministry of Interior of 2000.

On 31 March 2010, there were 326 refugees registered in Niger, the majority (137) of which were of Chadian origin residing in the Gouré region. The remaining refugees were from different countries of origin, such as Rwanda, the Democratic Republic of Congo and Côte d'Ivoire. The total number of asylum seekers recorded was 28, out of which 15 were from Chad.

II. CHALLENGES, CONSTRAINTS AND RECOMMENDATIONS

1. Refugee legal recognition

The 'Commission Nationale d'Eligibilité has advanced slowly in the processing of asylum claims in Niger. The CNE managed to hold only two out of the originally scheduled six planned eligibility sessions in 2009, during which three asylum applications were decided upon. The investigation process prior to the adjudication of the asylum requests is long.

The Chadian refugees residing in Niger were recognized *prima facie*. Most of them are partisans of former President Hissene Habré and ex-civil servants who did not want to return voluntarily to Chad in 1999 despite a tripartite agreement for voluntary repatriation. Whilst they have attained a good level of social integration among the Toubou, Arabic and Beriberi populations, the legal dimension of their local integration has not yet been defined. In this regard, documentation facilitating their permanent residence in Niger would strengthen their potential to integrate locally.

Recommendations:

- **UNHCR recommends that the Government of Niger ensures a more efficient and expedient asylum procedure.**
- **UNHCR recommends Niger to conduct a survey to enquire whether the Chadian refugees who have been in Niger for two decades want to locally integrate, in which case documentation facilitating their permanent residence should be issued. In this way, the survey could also explore the possibility of a naturalization scheme.**

2. Internally displaced persons

The Kampala Convention of the African Union for the Protection and Assistance of Internally Displaced Persons of October 2009 (hereafter the Kampala Convention) requires States Parties to 'cooperate with each other... in protecting and assisting internally displaced persons' (article 5.2) and to 'take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change' (article 5.4). Niger, however, has not yet signed nor ratified the Kampala Convention.

The humanitarian crisis in Niger in 2010, caused by climate change, has caused inter-communal tensions and internal displacement. This highlights the importance of international collaboration addressing the effects of climate change, including internal and cross-border displacement.

Recommendations:

- **UNHCR recommends to the Government of Niger to sign and ratify the Kampala Convention in order to promote and strengthen international humanitarian cooperation and assistance to internally displaced persons.**
- **UNHCR recommends to the Government of Niger to take measures to further the protection of the 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) their property**

and possessions which they left behind or of which they were dispossessed of when displaced.

- **UNHCR recommends adopting specific measures to safeguard, promote and protect the human rights of internally displaced persons.**

3. The right to a nationality and statelessness

Niger has not acceded to the 1954 Convention relating to the Status of Stateless Persons but has acceded to the 1961 Convention on the Reduction of Statelessness, with reservations to articles 11, 14 and 15.

A population census is planned to be carried out in Niger in 2011. Census questions about the country of citizenship, country of birth and that of the parents, and residence will provide indicators as to the possible causes of statelessness in the country.

The Niger Nationality Code of 1984 describes how nationality may be obtained, but it does not provide adequate guarantees to prevent statelessness. In particular, there is no safeguard establishing that children who are born on the territory of Niger thereby acquire the nationality of Niger, which leaves them *de facto* stateless. Moreover, men and women do not have equal rights with regard to the acquisition of Niger nationality by foreign spouses.

The issue of statelessness is a potential problem for the Mahamids in Niger. The Mahamids emigrated from Chad in the 1970s and 80s but are not recognized as citizens neither by Chad nor by Niger. Conflict erupted between the Mahamids and other ethnic groups in 2006, which caused the government of Niger to threaten them with expulsion. The group was not expelled, however, and the situation has since calmed down, but the Mahamids remain without formal citizenship of any State.

Recommendations:

- **UNHCR encourages the Government of Niger to accede to the 1954 Convention relating to the Status of Stateless Persons.**
- **UNHCR recommends that the Government of Niger ensures, with the support of UNFPA, to include information on potential situations of statelessness in the data collection instruments used during the population census.**
- **UNHCR recommends that the Government of Niger 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, if they would otherwise be stateless and by amending legislative provisions which do not ensure equality between men and women regarding acquisition, change and retention of nationality.**
- **UNHCR recommends that the Government of Niger resolves the issue of potential statelessness among the Mahamids in Niger by granting nationality to those who wish to become citizens of Niger. For those who do not wish to obtain the nationality of Niger, the government should engage with the government of Chad and UNHCR to address their situation.**

- **UNHCR recommends Niger to ensure that all children born on the territory of Niger obtain birth certificates.**

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