

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Thirty-Fifth Ordinary Session

21 May – 4 June 2004, in Banjul, The Gambia

Consideration of Reports submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights

Concluding Observations and Recommendations on the Initial Report of the Republic of Niger

I - Introduction

1. The Republic of Niger (Niger) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified it on 15 July 1986.
2. These Concluding Observations follow from the presentation and examination of the Initial Report of the Republic of Niger at the 35th Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission or the Commission), held in Banjul, The Gambia from 21 May to 4 June 2004.
3. The Report combines the Initial Report which was due since 15 July 1986 as well as 8 belated periodic reports, which were due from 1988 to 2003. The combined Report was submitted to the Secretariat of the African Commission on Human and Peoples' Rights in May 2003.
4. The Report was presented by Honourable Aichatou Mindaoudou, Minister of Foreign Affairs and Cooperation of the Republic of Niger.

5. These Concluding Observations highlight some positive aspects in the Report and also identifies factors that restrict the enjoyment of rights guaranteed in the African Charter.
6. These Concluding Observations also outline the concerns expressed about the substance of the Report as well as the recommendations made by the African Commission.

II – Positive Aspects

The African Commission:

7. Congratulates Niger for presenting its Initial Report in accordance with Article 62 of the African Charter and the African Commission's Guidelines for the Preparation of Periodic Reports;
8. Appreciates the frank and constructive debate that ensued after the Report was presented and the effort made by the Delegation to answer questions and for giving detailed information to the members of Commission;
9. Welcomes the efforts made by the Government of Niger in order to comply with the rights and freedoms provided and guaranteed by the African Charter. Particularly the African Commission welcomes the fact that Niger:
 - is a state party to several regional and international human rights instruments and seeks to comply with them;
 - has set up legal and regulatory mechanisms for the promotion and protection of human rights;
 - has set a quota for women's participation in the Government;
 - has introduced reforms to make the Judiciary efficient;
 - makes significant efforts with the African Union, the African Commission, Non-Governmental Organizations (NGOs), other players and partners in order to improve the general living condition of the people of Niger, particularly that of women by educating children and eradicating poverty.

III - Factors Restricting the Enjoyment of the Rights Guaranteed in the African Charter

10. Poverty, a real scourge in Niger, is a major handicap to full compliance with the rights and freedoms provided and guaranteed by the African Charter.
11. The social and cultural traditions of Niger also contribute to the violation of human rights and renders the fight against such practices ineffective.

IV – Areas of Concern

While recognising the efforts of the Government of Niger to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned that:

12. The measures taken to increase the school enrolment rate, particularly the enrolment of girls, and maintaining them in school, has been insufficient despite the efforts made in this regard;
13. The exercise by women of their rights remains very limited despite the existence of a national legal framework that puts men and women on the same footing;
14. Despite the adoption of a law on quotas the presence of women in decision making bodies also remains low;
15. The rights of women, children, minorities and other vulnerable groups are not adequately protected;
16. Legal assistance is not within the reach of everyone in Niger;
17. The nomadic population, who need special infrastructure because of their way of life, are not getting the necessary attention and assistance;
18. The judiciary does not have adequate resources to perform its tasks smoothly;
19. The judiciary is based on a dual legal system when it comes to personal matters and such a situation does not ensure equality of the citizens before the law;

20. The prisons lack the requisite facilities;
21. The HIV/AIDS pandemic is a challenge that Niger has failed to overcome; and
22. Harmful traditional practices and violence against women remain major concerns although they are considered criminal acts by the law.

V – Recommendations

The African Commission recommends that the Government of Niger should:

23. Pursue its efforts to implement the African Charter by making sure that the gender dimension is incorporated in all relevant programmes, structures and activities;
24. Encourage Niger to pursue its efforts to implement programmes on the fight against poverty;
25. Draw up suitable programmes to educate the children of the nomadic population;
26. Promptly implement reforms so as to render prison conditions humane and strengthen the capacity of the system;
27. Encourage dialogue between governmental human rights bodies and NGOs and involve the latter in the implementation of regional instruments to which Niger is a party, especially the African Charter;
28. Take measures to ratify regional human rights instruments, particularly the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
29. Ensure that the Family Code, which was drafted some years ago, is adopted, promulgated and implemented;
30. Take measures to ensure that women play a more significant role in the Government of Niger without prejudice to the quota system that has been introduced in favour of women;
31. Take concrete steps to protect the rights of minorities living in Niger and put in place affirmative action in their favour if the need arises;

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32. Pursue actions to fight the HIV/AIDS pandemic and gather information on healthy practices that have helped suppress the disease in other countries and regions;
33. Present on time its next periodic report, which is due in May 2006 (39th Ordinary Session of the African Commission) by introducing updated statistical data on the progress of human rights in Niger; and
34. Inform the African Commission, in its next Periodic Report, of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

Adopted at the 35th Ordinary Session of the African Commission on Human and Peoples' Rights held from 21 May to 4 June 2004, in Banjul, The Gambia.