
November 2019
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ACRONYMS AND ABBREVIATIONS

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<th>Description</th>
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<tr>
<td>ANAJJ</td>
<td>National Legal and Judicial Assistance Agency</td>
</tr>
<tr>
<td>ANLTP/TIM</td>
<td>National Anti-Human Trafficking and Illegal Migration Agency</td>
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<tr>
<td>IGA</td>
<td>Income Generating Activity</td>
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<td>ANPE</td>
<td>Niger Employment Promotion Agency</td>
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<td>ASCN</td>
<td>National Civic Service Conscripts</td>
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<td>AQIM</td>
<td>Al Qaeda in the Islamic Maghreb</td>
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<td>ANDDH</td>
<td>Niger Human Rights Defence Association</td>
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<td>BEEEI</td>
<td>Environmental and Impact Assessment Agency</td>
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<td>ILO</td>
<td>International Labour Office</td>
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<tr>
<td>ACHPR</td>
<td>African Charter on Human and Peoples’ Rights</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>UNFCCC</td>
<td>United Nations Framework Convention on Climate Change</td>
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<tr>
<td>CISLS /STIs</td>
<td>Anti-AIDS and Sexually Transmitted Infections Intersectoral Coordinating Agency</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CDT</td>
<td>Screening and Treatment Centre</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CEG</td>
<td>College of General Education</td>
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<tr>
<td>INEC</td>
<td>Independent National Electoral Commission</td>
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<tr>
<td>CENTIF</td>
<td>National Financial Information Processing Unit</td>
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<tr>
<td>CERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
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<td>ECOSOC</td>
<td>Economic, Social and Cultural Council</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>CFA</td>
<td>African Financial Community</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<td>CISLS</td>
<td>Anti-AIDS Intersectoral Coordinating Agency</td>
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<td>CNCA-LBT/FT</td>
<td>National Anti-Money Laundering and Terrorism Financing Coordinating Committee</td>
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<td>CNCCAI</td>
<td>National Commission for Monitoring and Collection of Illegal Arms</td>
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<td>CNCR</td>
<td>National Rural Code Committee</td>
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<td>NHRC</td>
<td>National Human Rights Commission</td>
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<td>CNE</td>
<td>National Refugee Status Eligibility Commission</td>
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<td>CNCLTP/TIM</td>
<td>National Anti-Human Trafficking and Illegal Migration Coordinating Commission</td>
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<td>CNSDPE</td>
<td>National Child Survival, Development and Protection Committee</td>
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<td>CNSS</td>
<td>National Social Security Fund</td>
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<td>CODDHD</td>
<td>Collective of Human Rights and Democracy Defence Organizations</td>
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<td>COTEVET</td>
<td>Technical Committee in charge of Instruments Auditing</td>
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<td>CPC</td>
<td>Criminal Procedure Code</td>
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<td>ANC</td>
<td>Ante-Natal Care</td>
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<td>CRG</td>
<td>Internal Administrative Appeals Committee</td>
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<td>CSC</td>
<td>High Communications Council</td>
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<td>IHC</td>
<td>Integrated Health Centre</td>
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<td>U.C</td>
<td>Urban Community</td>
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<td>DNPGCCA</td>
<td>National Food Crisis and Food Disaster Prevention and Management Mechanism</td>
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<td>GPS</td>
<td>General Policy Statement</td>
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<td>DTP</td>
<td>Diphtheria Tetanus Pertussis</td>
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<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
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<td>EFJN</td>
<td>Niger Judicial Training School</td>
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<td>ENAM</td>
<td>National School of Administration and Judicial Service Training</td>
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<td>FDS</td>
<td>Defence and Security Forces</td>
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<td>FNIS</td>
<td>National Intervention and Security Forces</td>
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<td>GIABA</td>
<td>Intergovernmental Action Group against Money Laundering in West Africa</td>
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<td>HALCIA</td>
<td>Anti-Corruption and Related Offences High Authority</td>
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<td>HACP</td>
<td>High Authority for the Consolidation of Peace</td>
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<td>HCME</td>
<td>High Commission for the Modernization of the State</td>
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<td>HBP</td>
<td>High Blood Pressure</td>
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<td>HDI</td>
<td>Human Development Index</td>
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<td>INS</td>
<td>National Statistical Institute</td>
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<td>FPI</td>
<td>Female Participation Index</td>
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<td>STIs</td>
<td>Sexually Transmitted Infections</td>
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<td>LOSEN</td>
<td>Framework Law of the Niger Educational System</td>
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<tr>
<td>MEP/A/PLN/EC</td>
<td>Ministry of Primary Education, Literacy, Promotion of Local Languages and Civic Education</td>
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<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
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<td>MJ</td>
<td>Ministry of Justice</td>
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<td>NICTs</td>
<td>New Information and Communication Technologies</td>
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<td>OCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>IMO</td>
<td>International Migration Organization</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>ONC</td>
<td>National Communications Observatory</td>
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<td>ONEF</td>
<td>National Employment and Vocational Training Observatory</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>ONIMED</td>
<td>Niger Independent Media Ethics Observatory</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<td>ONPPC</td>
<td>National Pharmaceutical Board</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>WHO</td>
<td>World Health Organization</td>
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<td>CID</td>
<td>Criminal Investigation Police Officer</td>
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<td>CSOs</td>
<td>Civil Society Organizations</td>
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<td>PCIME</td>
<td>Integrated Management of Childhood Diseases</td>
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<td>PDES</td>
<td>Economic and Social Development Plan</td>
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<td>PDDE</td>
<td>Ten-Year Educational Development Programme</td>
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<td>PDS</td>
<td>Health Development Plan</td>
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<td>EPI</td>
<td>Extended Programme on Immunization</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>PIJD</td>
<td>Graduate Youth Integration Programme</td>
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<td>FPs</td>
<td>Financial Partners</td>
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<td>NGP</td>
<td>National Gender Policy</td>
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<td>PN-AEPA</td>
<td>National Potable Water Supply and Sanitation Programme</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>GESP</td>
<td>Gender Equity Strengthening Programme</td>
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<td>Min</td>
<td>Minutes</td>
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<td>GPHS</td>
<td>General Population and Housing Survey</td>
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<td>IWF</td>
<td>International Women’s Fair</td>
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<td>SAMU</td>
<td>Emergency Medical Assistance Service</td>
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<td>SEEN</td>
<td>Niger Water Works Company</td>
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<td>SMIG</td>
<td>Guaranteed Minimum Wage</td>
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<td>NSS</td>
<td>National Supply System</td>
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<td>PRS</td>
<td>Poverty Reduction Strategy</td>
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<td>SONNE</td>
<td>Basic Obstetric and Neonatal Care</td>
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<tr>
<td>TORs</td>
<td>Terms of Reference</td>
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<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>UNDAF</td>
<td>United Nations Development Assistance Framework</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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INTRODUCTION


2. It should be recalled that Niger presented its fourteenth (14th) periodic report for the period 2014-2016 at the 61st Ordinary Session of the African Commission on Human and Peoples’ Rights held from 1 to 15 November 2017 in Banjul, The Gambia.


4. This report was prepared by the Nigerien Interministerial Committee in charge of the preparation of reports to the Treaty and Universal Periodic Review (UPR) Bodies in accordance with the following:
   - General Guidelines issued for the national periodic reports under the terms of the African Charter, which were adopted in 1989;
   - Reporting Guidelines for States Parties on the Economic, Social and Cultural Rights under the African Charter on Human and Peoples’ Rights (ACHPR);
   - Guidelines and principles for the preparation of State reports under Articles 21 and 24 of the African Charter relating to the extractive industries, human rights and the environment.

5. This report outlines the legislative, administrative and other measures as well as new policies adopted since Niger submitted its last report in 2017. The report provides information on progress made in the implementation of the Charter by indicating the extent to which the political and administrative authorities have given effect to the fundamental rights and freedoms enshrined therein. It also indicates the factors and difficulties hindering the effective implementation of these rights. Finally, it provides answers to the observations and recommendations the Commission made to Niger at the 23rd Extraordinary Session held in Banjul, The Gambia from 13 to 23 February 2018, following the presentation of its last periodic report.

6. The preparation of this report under the supervision of the Interministerial Committee used a participatory and inclusive approach which consisted of the following stages:
   1. An initial 3-day orientation workshop held in Niamey from 15 to 17 July 2019 with the aim of training the members of the Committee on the rights outlined in the Charter and the various periodic reporting guidelines, drawing up a work schedule and assigning to each member the task of collecting data to be used to provide information for the report;
   2. A second 2-day workshop held in Dosso on 14 and 15 August 2019 in the form of a retreat of members of the Committee to compile the collected data and to produce a first draft report;
3. A third 3-day validation workshop held in Niamey from 15 to 17 October 2019 which, in addition to the members of the Interministerial Committee, brought together representatives of the other State bodies involved in the implementation of the provisions of the Charter, representatives of the National Human Rights Commission, Technical and Financial Partners (DIHR, UNDP and OHCHR) and Civil Society bodies actively involved in promoting and protecting human rights;

4. Consideration of the draft report adopted at the validation workshop by the Government during a cabinet meeting chaired by the Prime Minister, and

5. Consideration and adoption of the draft report considered by the previous cabinet meeting during a cabinet meeting chaired by the President of the Republic.

7. This report is structured into three parts:
   • The first part deals with general information on the trends of the legal and institutional framework for the protection of human rights since the last report;
   • The second part presents the status of progress made from 2017 to 2019 in the implementation of the Charter; it covers civil and political rights, economic, social and cultural rights, specific rights, the extractive industries and human rights vis-à-vis the environment, the rights of peoples and their duties stipulated in the Charter, and
   • The third part provides responses to the concluding observations and recommendations the Commission made to Niger after the presentation of its last report.

PART ONE : GENERAL INFORMATION ON THE LEGAL AND INSTITUTIONAL FRAMEWORK

A. NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK

8. Since it submitted its last report covering the period 2014-2016, Niger has taken several legislative and regulatory measures and ratified several international conventions relating to the promotion and protection of human rights. The main enactments passed from 2017 to 2019 at both the local and international levels can be listed as follows:

i. NATIONAL LEGAL FRAMEWORK

9. In the quest to provide its people with better living conditions in an environment which is conducive to the respect for human rights, the State passed several laws and decrees between 2017 and 2019.

1.1 Legislative Measures

✓ Law No. 2017-005 of 31 March 2017 on the institution of Community Work;
✓ Law No. 2017-006 of 31 March 2017 setting forth the basic principles for the organization of civil protection;
✓ Law No. 2017-007 of 31 March 2017 amending and supplementing Laws No. 61-33 of 14 August 1961 on the institution of the criminal procedure code, No. 61-27 of 22 July 1961 on the institution of the criminal code and No. 2015-08 of 10 April 2015 establishing the organization, jurisdiction, procedure to be followed and the running of commercial courts;
✓ Law No. 2017-08 of 31 March 2017 establishing the basic principles of the prison system in Niger;
✓ Law No. 2017-009 of 31 March 2017 on the autonomous status of the senior staff of the prison administration;
✓ Law No. 2017-20/PRN/MDH of 12 April 2017 establishing the basic principles of town planning and urban development;
✓ Law No. 2017-23 of 21 April 2017 on the crackdown on offences relating to cheques, credit cards and other electronic payment instruments and processes;
✓ Law No. 2017-028 of 3 May 2017 on the protection of personal data;
✓ Law No. 2017-03 of 30 June 2017 on the mining law;
✓ Law No. 2018-07 of 30 March 2018 supplementing Law No. 2015-08 of 10 April 2015 which establishes the organization, jurisdiction, procedure to be followed and the running of commercial courts in the Republic of Niger;
✓ Law No. 2018-08 of 30 March 2018 on procedures for the settlement of minor commercial and civil disputes in the Republic of Niger;
✓ Law No. 2018-20 of 27 April 2018 on the system of Inter-Branch Agricultural Organizations in Niger;
✓ Law No. 2018-22 of 27 April 2018 establishing the basic principles of social protection;
✓ Law No. 2018-23 of 27 April 2018 on electronic communication;
✓ Law No. 2018-25 of 27 April 2018 establishing the basic principles of construction and housing;
✓ Law No. 2018-26 of 27 April 2018 amending and supplementing Law No. 2015-08 of 10 April 2015 establishing the organization, jurisdiction, procedure to be followed and running of the commercial courts;
✓ Law No. 2018-28 of 14 May 2018 establishing the basic environmental assessment principles;
✓ Law No. 2018-35 of 24 May 2018 on the status of notaries public;
✓ Law No. 2018-36 of 24 May 2018 on the status of the judicial authorities;
✓ Law No. 2018-37 of 1 June 2018 establishing the organization and jurisdiction of the courts in the Republic of Niger;
✓ Law No. 2018-43 of 22 June 2018 amending and supplementing Law No. 2000-06 of 7 June 2000 regulating the business agency profession;
✓ Law No. 2018-44 of 22 June 2018 amending and supplementing Law No. 61-27 of 22 July 1961 on the institution of the criminal code;
✓ Law No. 2018-45 of 12 July 2018 on the regulation of e-commerce;
Law No. 2018-47 of 12 July 2018 on the establishment, organization and running of the electronic communication and postal regulatory authority;

Law No. 2018-74 of 10 December 2018 on the protection of and assistance to internally-displaced persons;

Law No. 2018-88 of 19 December establishing offences in the area of metrology;

Law No. 2019-25 of 27 June 2019 amending and supplementing Ordinance No. 2010-84 of 16 December 2010 on the political parties’ charter;

Law No. 2019-38 of 19 July 2019 amending the electoral code;

Law No. 2019-28 of 1 July 2019 establishing the modalities for the freedom of worship in the Republic of Niger;

Law No. 2019-29 of 1 July 2019 on the births, deaths and marriages system in Niger, and


1.2 Regulatory Measures

Decree No. 2017-010/PRN/MJ of 6 January 2017 on the organization of the Ministry of Justice;

Decree No. 2017-011/PRN/MJ of 6 January 2017 determining the location and jurisdiction of the Niamey Commercial Court;

Decree No. 2017-012/PRN/MJ of 6 January 2017 on the modalities for the application of Law No. 2015-08 establishing the organization, jurisdiction, procedure to be followed and running of the Commercial Courts in the Republic of Niger;

Decree No. 2017-052/PRN/MC of 25 January 2017 governing media advertisements;

Decree No. 2017-098/PRN/MJ of 17 February 2017 on the approval of the statutes of the Niger Judicial Training School (EFJN);

Decree No. 2017-217/PRN/MJ of 23 March 2017 allocating allowances and benefits to the judiciary and specialized courts handling economic and financial cases;


Decree No. 2017-628/PRN/MM of 20 July 2017 on modalities for the application of the mining law;

Decree No. 2017-682/PRN/MET/PS of 10 August 2017 on the adoption of the regulatory component of the labour code;
- Decree No. 2017-764/PRN/MSP of 29 September 2017 on the establishment of the National Medical Association;
- Decree No. 2017-765/PRN/MSP of 29 September 2017 on the establishment of the National Pharmaceutical Association;
- Decree No. 2017-766/PRN/MSP of 29 September 2017 on the establishment of the National Association of Surgeons and Dentists;
- Decree No. 2017-767/PRN/MSP of 29 September 2017 on the establishment of the National Nurses Association;
- Decree No. 2017-768/PRN/MSP of 29 September 2017 on the establishment of the National Midwives Association;
- Decree No. 2018-935/PRN/MEP/APLN/MES of 5 December 2017 on the protection and support of young girls in school;
- Decree No. 2018-266 bis/PRN/MJ of 20 April 2018 determining the schedule of fees for documents issued by bailiffs and auctioneers in the Republic of Niger;
- Decree No. 2018-302/PRN/MJ of 30 April 2018 determining the schedule of fees of Court appointed Receivers in collective proceedings for the settlement of liabilities;
- Decree No. 2018-303/PRN/MD/U/L of 30 April 2018 on modalities for the application of Law No. 2018-25 of 27 April 2018 establishing the basic principles of construction and housing;
- Decree No. 2018-310/PRN/MJS of 4 May 2018 instituting a National Sports Development Fund;
- Decree No. 2019-231A of 29 April 2019 amending Decree No. 2017-668/PRN/ of 2 August 2017 on the approval of the statutes of the Food and Nutritional Security Investment Fund;
- Decree No. 2019- 246/PRN/MISPD/ACR of 10 May 2019 setting forth the organization and terms of reference of the Central Anti-Terrorism and Cross-Border Crime Department as well as establishing its missions;
- Decree No. 2019-369/PRN/MPF/PE of 19 July 2019 on the establishment, terms of reference, composition and running of the Child Protection Committees at the Regional, Departmental, District and Local levels;
- Decree No. 2019-304 of 7 June 2019 on the missions, organization and running of the general inspectorate of the judicial and prisons services, and
ii. INTERNATIONAL LEGAL FRAMEWORK

10. Niger has ratified several regional and international legal human rights protection and promotion instruments including the following in particular:

☒ Law No. 2017-22 of 21 April 2017 on the ratification of the Statutes of the Women’s Development Organization in the Member States of the Organization of the Islamic Conference (OIC);


☒ Law No. 2017-40 of 24 May 2017 authorizing the ratification of Additional Protocol A/P/SP1/7/93 supplementing the provisions of Article 7 of the Protocol on the Free Movement of Persons and the Right of Residence and Establishment adopted on 30 June 1989 in Ouagadougou (Burkina Faso);

☒ Law No. 2017-42 of 24 May 2017 authorizing the ratification of the Protocol on Conflict Prevention, Management and Resolution as well as Peace and Security Mechanism adopted on 10 December 1999 in Lomé (Togo);

☒ Law No. 2017-46 of 24 May 2017 authorizing the ratification of the Bangui Agreement instituting an African Intellectual Property Organization – Act of 14 December 2015 in Bamako (Republic of Mali);

☒ ILO Convention No. 144 on the Tripartite Consultations on International Labour Standards ratified by Niger on 15 March 2018;

☒ Law No. 2018-13 of 12 April 2018 authorizing the ratification of the amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression adopted on 10 June 2010 in Kampala (Uganda);


☒ Law No. 2018-33 of 24 May 2018 authorizing the accession of Niger to the Hague Convention of 29 May 1993 on the Protection of Children and Cooperation in Respect of Inter-country Adoption;

☒ Law No. 2018-34 of 24 May 2018 authorizing the ratification of the Kigali Amendment to the Montreal Protocol on the Ozone-Depleting Substances;

☒ ILO Convention 122 on Employment Policy, ratified by Niger on 6 June 2018;


☒ Law No. 2019-14 of 13 May 2019 authorizing the ratification of the African Charter on the Values and Principles of Public Service and Administration adopted on 31 January 2011 in Addis Ababa (Ethiopia) on the sidelines of the 15th Ordinary Session of the Assembly of Heads of State and Government of the African Union (AU), and

☒ Convention No. 183 on the protection of motherhood ratified by Niger on 10 June 2019.

B. INSTITUTIONAL FRAMEWORK

11. The Republic of Niger is a unitary State where the Executive, Legislature and Judiciary coexist and discharge their respective missions in accordance with the principle of the separation
of powers. In addition to these powers, we observe the existence of other state bodies contributing to the successful pursuit of democracy and the rule of law.

1) THE EXECUTIVE

12. The Executive has not witnessed any change since the last report of 2016. It reflects the semi-presidential nature of the regime. The Government is made up of 45 members who represent the various political persuasions supporting the President of the Republic. However, it can be seen that one of the candidates of the March 2016 presidential election was appointed a High Representative of the President of the Republic on 20 October 2016.

2) THE LEGISLATURE

13. This branch also did not witness any change. The 171-member National Assembly is still unicameral. It discharges its mandate of supervising the activities of the government mainly through the invitation of several members of government to answer questions of topical importance and the rejection of a vote of no confidence moved by 35 opposition parliamentarians on 27 June 2019, with 38 votes in favour and 132 against.

3) THE JUDICIARY

14. Article 116 of the Constitution states that “judicial power shall be exercised by the Constitutional Court, Court of Appeal, Controller and Auditor General, Council of State, Courts and Tribunals.” With the exception of the extension of the term of some members, the terms of reference or running of the higher courts have not witnessed any change since the last report was submitted. On the other hand, the organization of the country’s judiciary has witnessed a marked development in order to take both the security, administrative and socio-economic challenges of the country into account and to honour the commitments arising from the ratification of international conventions.

15. Thus, Law No. 2018-37 of 1 June 2018 establishing the organization and jurisdiction of courts in the Republic of Niger has extended the judicial coverage of the country, taking into account administrative demarcation and “full communalization.” The various reforms undertaken in the judicial sector had to do with the following aspects:

- At the central level, the jurisdiction of the section of the judiciary specializing in the fight against terrorism was extended to organized cross border crime through the adoption of Law No. 2017-07 of 31 March 2017;
- An Appeals’ Court has been established at the Headquarters of each administrative region. Thus, the number of these structures increased from two (2) to eight (8). For the time being, the Tahoua court is the only one among these courts to have been provided with staff and equipment and is actually in its set-up phase. The setting up of the other courts will be done gradually;
- Specialized courts have been established at each of the ten (10) high courts of the country: labour courts, commercial courts, administrative courts, juvenile courts and rural land courts;
- In the four (4) communes with the status of Cities, the new law (Law No. 2018-37 of 1 June 2018) provided for the establishment of courts in each of the administrative subdivisions, i.e. five (5) in Niamey, five (5) in Zinder, three (3) in Maradi and three (3) in Tahoua. The district courts of the city of Niamey have just been established, following the High Judicial Council meeting of 30 July 2019;
- at the level of the departments, the twenty-seven (27) new entities established were each provided with a subdistrict court, thereby bringing the total number of subdistrict courts to forty-seven (47). These courts will share their jurisdiction with the rural land courts;
- To complete the coverage of the country and to bring justice closer to the people, communal courts will also be established in all the rural communes of the country, and
Furthermore, in order to strengthen the independence of the Judiciary, the decree on the modalities for the implementation of Law No. 2018-36 of 24 May 2018 on the status of judges was passed on 15 April 2019. The number of serving magistrates which was 401 in 2016 and 397 in 2018 has increased to 412 as at 1 October 2019.

4) OTHER INSTITUTIONS AND BODIES

16. Economic, Social and Cultural Council (ECOSOC): it is a constitutional institution governed by Law No. 2011-40 of 7 December 2011 which establishes its terms of reference, composition, organization, running and subsequent amendments. It assists the President of the Republic and the National Assembly in the economic, social and cultural spheres. It is an instrument for dialogue which promotes economic and social progress and represents Niger at the UN Economic, Social and Cultural Council. It is made up of 91 members who are democratically appointed by their bodies; the number includes eight (8) permanent members who constitute the Bureau. Per a decree passed by Cabinet, the term of these members was renewed on 27 October 2017. The Council held its first session for 2019 from 13 to 27 February after which several resolutions were made in various areas within its remit. The second session opened on 16 October 2019 with issues relating to the lack of taxpayer compliance, oil and gas fraud, begging, management of the human resources of the Civil Service, situation of industrial units, etc.

17. High Communications Council (CSC): this constitutional institution is governed by Law No. 2012-34 of 7 June 2012 and amended and complemented by Law No. 2018-31 of 16 May 2018. These enactments were strengthened by Law No. 2018-23 of 27 April 2018 and Law No. 2018-71 of 8 November 2018 on electronic communication. Article 157 of the Constitution of 25 November 2010 states that “the main mission of the High Communications Council shall be to ensure and guarantee the freedom and independence of the means of electronic communication, newspapers and the electronic media in accordance with the provisions of the law.” A new team led by a new chairman elected by the members on 4 April 2018 took office on 10 April 2018. The CSC is currently made up of fifteen (15) members as follows:

- One (1) person appointed by the President of the Republic;
- One (1) person appointed by the Speaker of the National Assembly;
- One (1) person appointed by the Prime Minister;
- Three (3) representatives elected by the socio-professional organizations of the private sector media, including at least one woman;
- Three (3) representatives elected by the trade union organizations of public sector media workers, including one journalist, one producer and one technician, and at least one of whom should be a woman;
- One (1) representative elected by the trade union organizations of telecommunications sector workers;
- One (1) representative elected by the associations for the defence of human rights and the promotion of democracy;
- One (1) representative elected by the groups of women’s organizations;
- One (1) representative elected by the communications and publicity agencies and offices;
- One (1) representative elected by creative artists, and
- One (1) representative elected by printers and publishers.

18. National Human Rights Commission (NHRC): This constitutional institution is governed by Organic Law No. 2012-44 of 24 August 2012 which establishes its composition, organization, terms of reference and operational procedures. This law specifies that it is made up of nine (9) permanent members who will enjoy the status of Commissioners and jurisdictional privilege for a term of four (4) years renewable once. This term is not mandatory, and the duties of the Commissioners are incompatible with the holding of any elective office, any public employment, be it civil or military, any position requiring national representation and any professional activity,
with the exception of teaching. The NHRC is an independent administrative authority which does not receive instructions from any authority for the purpose of the discharge of the terms of reference of its members. The involvement of the technical partners, particularly the United Nations System, in the process of the preparation and establishment of the NHRC makes Niger one of the very first countries in French-speaking Africa to have such an institution. The missions of the NHRC set forth in Articles 19, 20 and 21 of the aforementioned law are being reviewed in order to make it a National Independent Mechanism to supervise detention centres in accordance with the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment to which our country adhered on 7 November 2014. The reform also aims at increasing the representation of women in the said institution.

The NHRC presented its last 2018 report on the state of human rights in Niger on 29 June 2019 before the National Assembly. This report gives an account of the salient points and challenges to be addressed in the area of the protection and promotion of human rights in Niger.

19. **Office of the Ombudsman:** It was instituted by Law No. 2011-18 of 8 August 2011, and amended and supplemented by Law No. 2013-30 of 17 June 2013. Although there has not been any legislative amendment concerning this independent administrative authority since the last report, it is necessary to specify its remit. On condition that the matters below have not already been referred to the courts, the jurisdiction falls on this Office in matters such as:

- Conflicts between citizens and the Public Service, local authorities, public establishments and bodies entrusted with a public service mission;
- Situations which come to its knowledge and for which it has jurisdiction, whenever it has genuine reasons to believe that a person or group of persons has been abnormally wronged or may likely be wronged through an act or omission of a public body;
- Defence of the rights of children and vulnerable persons;
- Intervention in any case likely to improve the Public Service or in any case for arbitration between the Public Service and the social and professional segments of society at the request of the Executive and the Legislature, and
- Defence of the right of access to public information by the citizenry (Article 28 of Ordinance No. 2011-22 of 23 February 2011 on the charter on access to public information and administrative documents).

By way of illustration, the following graphs provide information on activities undertaken from 2015 to 2018.

**Table 1 and Graphs: Situation of Complaints Received by the Ombudsman**

<table>
<thead>
<tr>
<th>Year</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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</thead>
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<td>Number of Complaints Recorded</td>
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<td>90</td>
<td>153</td>
<td>/</td>
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<td>51</td>
<td>/</td>
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<tr>
<td>Number of Complaints Remaining As At End Of Year</td>
<td>45</td>
<td>60</td>
<td>51</td>
<td>/</td>
</tr>
</tbody>
</table>
20. National Anti-Human Trafficking and Illegal Migration Coordination Commission: Although it was established by Ordinance No. 2010-86 of 16 December 2010, it is Decree No. 2012-082/PRN/MJ of 21 March 2012 amended by Decree No. 2014-684/PRN/MJ of 30 October 2014 which determines its organisation, composition and functioning. It is made up of twenty (20)
members drawn from the various ministries, Civil Society, the Bar, Association of Notaries Public, the NHRC and traditional rulers. The CNCLTP/TIM comes under the authority of the Minister of Justice and drives, designs and formulates human trafficking prevention policies and programmes for onward transmission to Government. Its terms of reference were extended with the adoption of Law No. 2015-36 of 26 May 2015 on the illegal trafficking of migrants. In this regard, it formulated an action plan to combat the trafficking in persons (2014-2018), adopted by Decree No. 2014-644/PRN/MJ of 22 July 2014 and is currently working on the formulation of the second action plan covering the period 2020-2024. Another plan specifically meant for the illegal trafficking of migrants covering the same period is also being formulated.

21. National Anti-Human Trafficking and Illegal Migration Agency (ANLTP/TIM): Although it was established by Ordinance No. 2010-86 of 16 December 2010, it is Decree No. 2012-083/PRN/MJ of 21 March 2012 amended by Decree No. 2018-148 PRN/MJ of 8 March 2018 which determines its organisation and functioning. It is the operational body tasked with the implementation of the national policies and strategies adopted by the CNCLTP/TIM as well as the related action plan. Its terms of reference were extended with the adoption of Law No. 2015-36 of 26 May 2015 on the illegal trafficking of migrants. This is the body which implemented the anti-human trafficking action plan formulated by the Commission.

22. National Committee in charge of the Preparation of Reports to the Treaty Organs: although it was initially instituted by Order No. 013/MJ/DH/DDH/AS of 17 March 2010 on the establishment of a National Committee in charge of the preparation of reports to the treaty organs, its remit has subsequently been broadened by Decree No. 2017-010/PRN/MJ of 6 January 2017. This eighteen (18)-member committee representing the sector ministries has fully made up for the delay our country encountered in the submission of its initial and periodic reports to the UN and African treaty organs.

23. National Legal and Judicial Assistance Agency: Established by Law No. 2011-42 of 14 December 2011 setting the rules applicable to legal and judicial assistance and setting up a Public Administrative Establishment called the “National Legal and Judicial Assistance Agency”, its mission is to offer free legal aid to all persons who so require without any discrimination and judicial assistance to vulnerable persons and the destitute. Local offices are set up in the high courts.

24. High Authority for the Consolidation of Peace: This institution was established in 1995 to monitor the implementation of the 1995 peace accords and the other protocols to these accords which came into effect in 1998. During negotiations at the beginning in 1995, a joint committee made up of representatives of the rebellion (5 members) and the government (5 members) served as the administrative structure to monitor the accords. This committee became a permanent authority headed by a High Commissioner. It is this authority which was then called the High Commission for the Restoration of Peace which subsequently became the HACP in 2011. Pursuant to Decree No. 2014-117/PRN of 17 February 2014 on the terms of reference, organization and operational procedures of the High Authority for the Consolidation of Peace, it aims at: i) cultivating the spirit of peace and permanent dialogue among the various communities of the country; ii) maintaining mutual confidence, tolerance and respect in a common desire to live together; iii) contributing to the prevention of crises and conflicts with all stakeholders and concerned bodies; iv) identifying and proposing solutions to the socio-economic causes of insecurity, banditry and rebellions; v) formulating, implementing and monitoring recovery programmes for communities affected by insecurity as a result of armed conflicts; vi) leading the debate on the new forms of security threats (terrorism and all forms of trafficking) and their impact on sensitive areas; vii) identifying activities to be carried out in order to correct the inequalities, disparities and exclusion with regard to development activities; viii) promoting
activities aimed at strengthening social peace, cohesion and national unity; ix) recommending solutions to the new forms of destabilizing insecurity linked to terrorism and all forms of trafficking and assessing their impact on the communities of the areas concerned, and x) contributing to the negotiated settlement of armed conflicts and rebellions.

25. **3N Initiative High Commission (Nigeriens Feeding Nigeriens):** Established by Decree No. 2011-407/PRN of 6 September 2011, its vision is to ensure that Niger is able to face any food and nutritional insecurity and to ensure that its agricultural sector fully plays its role as a vector for the transformation of society and economic growth. Its objective is to meet the national food demand by providing local agricultural and agri-food products and boosting the incomes of farmers in the process. The 3N HC is an authority attached to the Office of the President of the Republic. It ensures inter-sectoral coordination and facilitates the attainment of Niger’s sustainable food and nutrition security as well as agricultural development objectives. It is in charge of coordination, planning, technical, economic and financial studies, mobilization of funding, stimulation of reforms and monitoring-evaluation. Its work is mainly to stimulate, direct, coordinate, monitor and assess the implementation of the 3N “Nigeriens Feeding Nigeriens” Initiative Strategy. It was adopted by Decree No. 2012-139/PRN of 18 April 2012. Its overall objective is to “sustainably protect the people of Niger from hunger and malnutrition as well as to ensure that measures are put in place to allow them to fully participate in national production and to improve their incomes.” In specific terms, the aim is to strengthen national food production capacity, supplies and resistance to disasters. The 3N Initiative Strategy is structured around five (5) strategic pillars, namely: (i) Strategic Pillar 1: Increase and diversification of agricultural, forestry, livestock and fish production; (ii) Strategic Pillar 2: Regular supply of agricultural and agri-food products to the rural and urban markets; (iii) Strategic Pillar 3: Improvement in the resilience of the people in the face of climate change, crises and disasters; (iv) Strategic Pillar 4: Improvement in the Nutritional Status of the people of Niger, and (v) Strategic Pillar 5: Direction and coordination of the 3N Initiative and stimulation of reforms. Decree No. 2016-603/PRN of 3 November 2016 on the organization and running of the 3N Initiative High Commission specifies the organization and mode of operation of the departments and divisions which make up the 3NHC, together with the orders specifying the terms of reference.

26. **Anti-Corruption and Related Offences High Authority (HALCIA):** It is a permanent State body initially established by Decree No. 2011-215/PRN/MJ of 26 July 2011. Owing to the fact that this law does not comply with the Jakarta Principles on national anti-corruption institutions and the provisions of the United Nations Convention Against Corruption, Law No. 2016-44 of 6 December 2016 has been passed. This law now governs the organization, terms of reference and functioning of the institution. This law strengthens the legal and institutional capacity of the HALCIA which currently has powers to take up cases on its own initiative, conduct criminal investigations, access investigation or monitoring reports, identify, locate and freeze proceeds from corruption and to place exhibits under seal. Furthermore, investigation reports prepared by the HALCIA are forwarded to the Attorney-General who must call for the opening of a judicial enquiry. It has a National Anti-Corruption Strategy Document (SNLC) and an action plan (2018-2020) adopted by Decree No. 2018-007/PRN of 5 January 2018. The SNLC is structured around three main focal points, namely the strengthening of the prevention of corruption, improvement in the systems to crackdown on corruption and the strengthening of partnership and cooperation at the national and international levels in the fight against corruption and related offences. The HALCIA, whose mission is to prevent and combat corruption and related offences, is tasked with the design, formulation, implementation and monitoring of the SNLC and its action plan in collaboration with the other bodies concerned. It is important to emphasize that the HALCIA has a twitter account, Facebook and YouTube pages as well as a website (www.halcia.ne) containing complaints and disclosure files which enable it to get closer to the people. This institution is made up of seven (7) permanent members, namely:
• four (4) local personalities from the Public Service appointed by the President of the Republic, including one (1) woman;

• one (1) elected representative of Civil Society organizations working in the area of the fight against corruption;

• one (1) elected private sector representative involved in economic or financial matters and appointed by the executive committee of the Niger Chamber of Commerce and Industry, and

• one (1) elected representative of the women’s organizations.

27. **High-Commission for the Modernization of the State:** Established by Decree No. 2005-361/PRN/PM of 30 December 2005, the High Commission for the Modernization of the State (HCME) attached to the Office of the Vice President is tasked with the design, supervision, coordination, monitoring and evaluating all the activities aimed at modernizing the State and local authorities in accordance with the guidelines specified by the government. As part of the decentralization process and in accordance with its terms of reference, the HCME, the successor to the Administrative Reform and Decentralization High Commission (HCRAD), formulated the body of laws and institutional documents guiding the decentralization process. It spearheaded the revision of the laws which led to formulation of the General Local Authorities Code, formulated the laws on the local authority financial support mechanism which led to the establishment of the National Local Authority Financing Agency (ANFICT) and finalized the draft decentralization charter. It also conducted a study aimed at strengthening the capacity of decentralization stakeholders which led to the creation of a single training window at the ENAM – the “Local Authority Management Training Centre” and prepared a draft National Decentralization Policy Document. On 12 July 2013, Cabinet considered and adopted the draft decree on the adoption of the National State Modernization Policy Document (Decree No. 2013-249/PRN/PM/HCME of 12 July 2013). With the advent of the 7th Republic and as part of the guidelines of the Niger Renaissance Programme (PRN), the HCME, in accordance with the objectives of the Prime Minister’s General Policy Statement, got involved in several projects in order to implement concrete modernization activities. Mention can be made of the preparation of the National State Modernization Policy Document (PNME), completion of the Dynamic Public Service Modernization Process (PDMSP), launch of the study on behavioural change among the leaders and the citizenry, formulation of the draft public services procedure manuals and the commencement of the activities of the Niger State Modernization and Decentralization project (MEDEN).

28. **Traditional Chieftaincy:** It is governed by Law No. 2015-01 of 13 January 2015 on the status of chieftaincy. In Niger, just like in many African countries, the role of the Traditional Chief continues to be dependent on the ancestral socio-cultural authenticities. The Traditional Chief is the custodian of the customs and mores which guarantee their respect. However, this traditional role has evolved with time because it has been suited to the missions of the Public Service and state power. That is how nowadays, the Traditional Chief also ensures the protection of individual and collective rights and freedoms of the citizens and communities under him, protection of social harmony and cohesion, respect for laws and regulations, respect for religious tolerance and customary practices insofar as these practices do not disturb public order and do not infringe the rights and freedoms of other members of the community. In addition to its terms of reference relating to the maintenance of the peace and social tranquillity, the Traditional Chief exercises his authority over all the people registered in the district, tribe, specific chieftaincy area, locality or sector, including foreigners who have settled in these towns and/or on the lands which depend on these towns. With regard to conflict prevention, peace keeping and social cohesion, the Traditional Chief has the power to reconcile parties in customary and civil matters as well as land transactions; he also settles matters relating to the use of farm and grazing lands by families or
individuals to which the customary and traditional community under him has recognized rights, without prejudice to the provisions of the Rural Code. In all cases, he prepares conciliation or non-conciliation reports which must be entered into an ad-hoc register and an extract forwarded to the administrative authority of the area under him and to the competent court of jurisdiction.

29. Niger Mutual Social Insurance Agency: Established by Decree No. 2015-474/PRN/MET/SS of 4 September 2015 on the setting up of a Social Public Establishment called the “Niger Mutual Social Insurance Agency (ANMS)”, its mission is to monitor and control the registered social mutual insurance companies and to continue the implementation of Niger’s social protection policy. It was established to meet a community requirement. In fact, Article 23 of Regulation No. 07-2009/CM/UEMOA of 26 June 2009 on the regulation of social mutual insurance in UEMOA requires each Member State to set up an administrative social mutual insurance body as well as a national register of mutual insurance companies. It is the second agency to be established within UEMOA after that of Cote d’Ivoire.

30. Niger Independent Pension Fund (CARENI): Established by Law No. 2012-69 of 31 December 2012 on the setting up of a public social establishment called the “Niger Independent Pension Fund”, its mission is to grant, settle and pay pensions due to civil servants of the Republic of Niger. Since the passage of Decree No. 2014-490/PRN/MFP/RA/MF of 22 July 2014 on the approval of its statutes, it has been carrying out its activities normally. The decentralization of pension handling services is being implemented with the setting up of two CARENI regional units at Maradi and Tahoua which are tasked with the receipt, handling, transmission and monitoring of pension files as well as the issuance of health care coverage certificates to pensioners. The CARENI was also involved in the sponsorship of the orphans of serving and retired civil servants through the coverage of the expenses of their marriages and the provision of housing to the couples or families.

31. National Political Dialogue Council (CNDP): Established by Decree No. 2004-030/PRN/PM of 30 January 2004, the CNDP is a permanent framework for political conflict prevention and resolution as well consultation on issues of national interest by its members. It is presided over by the Prime Minister and includes all the legally recognized political parties which stood at 122 as at 14 August 2019 and three (3) of which are led by women. It meets whenever necessary to deal with serious issues affecting the political life of the country.


33. General Inspectorate of the Judicial and Prisons Services: Its mission involves the moralization of the judicial and prisons sectors and the improvement in the supervision of the ancillary bodies of the justice system. Its resources have been improved and its staffing position and quality have been beefed up by Decree No. 2019-304/PRN/MJ of 7 June 2019. The body is now made up of several departments whose terms of reference and organization will be established by an order.

34. National “Green Line” Coordination Unit: It was instituted to meet the need for the implementation of the United Nations Convention Against Corruption. Its mission is to combat corruption, influence peddling and related offences within judicial circles. Its composition, mode
of operation and terms of reference were reorganized by Decree No. 2019-305 PRN/MJ of 7 June 2019. A toll-free number (08001111) is available for people to report any act of corruption they have suffered or witnessed.

35. **Centre for Legal and Judicial Studies**: This body was instituted by Decree No. 2017-010/PRN/MJ of 6 January 2017 and its terms of reference are established by Order No. 071/MJ/GS of 16 May 2017. Its status was raised in 2019 because it is now headed by a Director-General. The Centre is particularly tasked with conducting studies in order to develop national laws and to adapt them to the socio-economic development needs, study the legal issues relating to the application of the laws, lead, promote and publish research in the legal and judicial fields, collect legal documents and facilitate their dissemination, ensure the release of publications and reviews by the Ministry of Justice as well as consolidate and develop international cooperation.

36. **National Unit for Mutual Assistance in Criminal Matters and Legal Cooperation**: Established by Decree No. 2018-908/PRN/MJ of 28 December 2018 on the organization of the Ministry of Justice, it helps the Central Authority to take decisions in the areas of extradition, mutual assistance and international cooperation in the justice sector.

37. **Central Agency for the Management of the Seizure, Confiscation, Freezing and Recovery of Criminal Assets**: Established pursuant to Decree No. 2017-599 of 13 July 2017, it is carrying out a public service mission in the management of seized or confiscated assets as part of the criminal procedures.

**PART TWO: STATUS OF PROGRESS MADE IN THE IMPLEMENTATION OF THE CHARTER SINCE 2016**

I. **CIVIL AND POLITICAL RIGHTS**

A. **Equality before the law and prohibition of discrimination: Articles 2 and 3**

38. The preamble of the Constitution of 25 November 2010 proclaims the commitment of Niger to the principles of multi-party democracy and human rights as defined by the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the 1981 African Charter on Human and Peoples’ Rights as well as the legal regional and international human rights protection and promotion instruments as signed and ratified by Niger.

39. Articles 5, 7, 8, 9 and 10 of the Constitution establish, among others, the equality of all citizens before the law in various areas. The prohibition of discrimination is a cross-cutting human rights principle which the State respects and enforces under all circumstances. Furthermore, Niger has ratified all the international conventions against all forms of discrimination. With regard to both rights and duties, equality before the law is a consequence of the prohibition of discrimination. No individual or group of individuals, not to talk of a region or a category of citizens or vulnerable groups, is favoured to the detriment of another.

B. **Right to life and physical and moral integrity: Article 4**
40. Niger’s legal framework on the right to life has not witnessed a significant change since the previous report and is basically still governed by the Constitution and the criminal code. However, it should be acknowledged that the enjoyment of this right has been far from effective since February 2015, with the surge in attacks by armed terrorist groups, particularly the Boko Haram sect which attacks the civilian population and is increasingly hitting military posts and positions in spite of the security measures and systems put in place. These attacks have led to scores of losses of human lives and most often come with looting and the kidnapping of people, particularly women and children. The Defence and Security Forces (FDS) of Niger are collaborating with the multinational forces to take action to ensure the safety of the people.

41. The west of the country, particularly areas bordering Mali and Burkina Faso, have also lately come under deadly attacks from armed Jihadist groups, thereby plunging many families into mourning.

42. The Government decreed a state of emergency by applying Law No. 98-024 of 11 August 1998 in all areas affected by the conflicts, while the National Assembly regularly passes laws to extend this state of emergency with the sole aim of better ensuring the safety of the people. Since the beginning of the armed conflicts, at least 15% of resources have been allocated to the budget of the security sector. Presenting the status of the Renaissance Programme, the President of the Republic recalled that “security has no price. In 2018, we invested 19% of our budget resources into security.”

43. With regard to the death penalty, at the last appearance of Niger before the United Nations Human Rights Council for the review of its second cycle UPR report, seventeen (17) recommendations on its abolition were put before it. These recommendations add to numerous others of the other treaty bodies which insist on the accession of our country to the Second Optional Protocol relating to the International Covenant on Civil and Political Rights on the Abolition of the Death Penalty. The Government is making tremendous efforts to ensure its abolition.

44. The National Advisory Council, which discharged the functions of Parliament during the transitional regime which overthrew the 6th Republic, took a vote on 16 December 2010 and had the following result: 27 votes for abolition, 40 against and 4 abstentions. The Government of the 7th Republic which succeeded the transitional regime continued the struggle; that is why on 23 October 2014, Cabinet adopted the draft law authorizing the accession of Niger to the Second Optional Protocol relating to the ICCPR. Unfortunately, this draft law did not get a favourable response from the parliamentarians because they rejected it.

45. Rather than getting discouraged, the Government organized a parliamentary day on 13 December 2018 on the implementation of the recommendations of the UPR and treaty bodies during which a debate was held on the death penalty. On 24 December 2018, the Minister of Justice signed a letter (Letter No. 001946 /MJ/GS/SP/CIM) addressed to his colleague responsible for Foreign Affairs asking for the launch of the process for the ratification of the protocol abolishing the death penalty. Therefore, this process is irreversible, and consultations are ongoing. Meanwhile, Niger signed the moratorium on the application of the death penalty in December 2018; it has not been invoked in Niger since 21 April 1976, the day seven persons sentenced to death for high treason were executed by firing squad.
C. Prohibition of slavery, torture and other forms of cruel, inhuman or degrading punishment or treatment: Article 5

1) Prohibition of slavery

46. Article 14 of the Constitution proclaims the prohibition of slavery and provides that “no one shall be subjected to torture, slavery, physical abuse or cruel, inhuman or degrading treatment. Any individual or agent of the State who is guilty of acts of torture, physical abuse or cruel, inhuman or degrading treatment in or on the occasion of the discharge of his duties, either on his own initiative or on instructions, shall be punished in accordance with the law.”

47. In order to take its international commitments resulting from the ratification of the legal instruments on slavery into account, the State of Niger, in addition to the prohibition imposed by the Constitution, amended its Criminal Code in 2003. This is why Articles 270.1 to 270.5 punishes the crime and offence of slavery.

48. Article 270.1 of the Criminal Code provides the following definitions: “slavery” is the state or condition of an individual over whom some or all the attributes pertaining to the right to property ownership are exercised; “a slave” is the person who has this status or condition, while the “person of a servile status” is the one who has a status or condition resulting from one of the institutions or practices of slavery, particularly:

- servitude or any other form of submission to or absolute dependence on a master;
- any institution or practice whereby: a) a woman is, without her reserving the right to refuse, promised or given in marriage for a monetary or in-kind consideration paid to the master; b) the master of woman considered as a slave has the right to transfer her to a third party, subject to payment or otherwise; c) the master has the right to engage in sexual intercourse with the female slave, and
- any institution or practice whereby a minor aged less than 18 is handed over, either by his parents, guardian, master or the master of one or both of his parents, to a third party subject to payment or otherwise for the purpose of the exploitation of the person or labour of the said minor.

49. Under Article 270.2 of the Criminal Code, the crime of slavery is the “act of reducing someone else into a slave or inciting someone else to alienate his freedom or dignity or that of a person under his responsibility to be reduced into slavery.” It is punishable by a term of imprisonment of 10 to 30 years and a fine of 1,000,000 to 5,000,000 Francs. The same punishment applies to a master or his accomplice who:

- has sexual intercourse with a woman considered as a slave or the wife of a man considered as a slave, and
- provides another person with a woman considered as a slave in order to have sexual intercourse. Complicity and attempted offences under the above-mentioned articles are punishable by the sentence under this article.

50. The offence of slavery is punished by Article 270.4 as follows: “any person found guilty of an offence of slavery shall be sentenced to a term of imprisonment of between five and ten years and a fine of 500,000 to 1,000,000 Francs. Attempted slavery shall be punishable by the sentence under the preceding paragraph.”

51. It should be stated that Niger has accepted the recommendations of the United Nations Special Rapporteur on the contemporary forms of slavery (including their causes and consequences) who visited the country from 11 to 21 November 2014 and is implementing them with a monitoring plan. To further demonstrate the Government’s commitment to the fight against
slavery, the Prime Minister on 8 June 2019 presided over the 6th edition of the day of advocacy for the institution of a national anti-slavery day in Niger.

52. A compensation fund for the victims of and witnesses to human trafficking has been instituted but has not yet been operationalized, while reception and assistance centres for human trafficking victims have also been set up. They include that of Zinder which was the last one to be set up on 18 July 2019. The mission of these centres is to sensitize, train and educate the communities on the consequences and risks of human trafficking and migration. They provide victims with hygiene kits and entertainment materials as well as ensure reintegration through a life project.

2) Prohibition of torture and cruel, inhuman or degrading treatment

53. All forms of torture are prohibited in Niger. In fact, Article 14 of the Constitution states that “No one shall be subjected to torture, slavery, physical abuse or cruel, inhuman or degrading treatment. Any individual or agent of the State who is found guilty of acts of torture, physical abuse or cruel, inhuman or degrading treatment in the discharge of his duties, either on his own initiatives or acting upon instructions, shall be punished in accordance with the law.”

54. Similarly, Articles 208.1 to 208.4 of the Criminal Code prohibit torture and other cruel, inhuman or degrading treatment. Read together, these articles underscore the criminalization of the following acts:
- torture or the other forms of inhuman treatment, including biological experiments, and
- acts and omissions which are not legally justified and are likely to compromise human health and physical or mental integrity.

55. Furthermore, the lack of a specific definition of torture consistent with the Convention on Torture in the Criminal Code cannot prevent the prosecution of perpetrators of acts of torture. Cases of torture which are brought to the knowledge of the courts are reclassified for prosecution. This is particularly so for cases involving the violation of the physical and mental integrity of persons. Moreover, the Criminal Code and Criminal Procedure Code review process is being conducted to define torture as a specific offence. A bill criminalizing torture has been formulated and is going through the processes for passage.

56. In order to make up for the lack of knowledge of the international instruments prohibiting torture and to strengthen the capacity of officers tasked with the enforcement of the law, several training sessions were organized for them. These training sessions led to a reduction in cases of torture in detention facilities.

57. Besides, Niger has domesticated the various Geneva Conventions and Protocols I and II which recommend that Member States should prohibit the subjection of a person to a medical or scientific experiment without his free consent. It is against this background that Article 208.3 on war crimes lists the serious offences which constitute war crimes punished by the provisions of the related chapter.

58. The visits organized by human rights associations to detention facilities, presence of volunteer United Nations legal officers in prison establishments and High Courts as well as the human rights training provided for Police, Gendarmerie and the National Guard officers (ensuring the custody of prisoners) are contributing to the fight against torture and ill-treatment.
It should also be recalled that in order to prevent cases of ill-treatment, the law provides that CID Officers are obliged to accompany the person they are sending to the Department of Public Prosecutions, produce a medical certificate to prove that he did not suffer physical abuse while in custody and ensure the presence of a lawyer as soon as the arrest is effected instead of allowing twenty four hours to elapse. Failure to produce this certificate may constitute grounds to render any procedure null and void.

Several cases of acts of torture committed by security officers (Police Service, Niger Armed Forces, National Guard, Presidential Guard, Gendarmerie…) were subjected to prosecution and led to the arrest of perpetrators, co-perpetrators and accomplices. Mention can be made of the case of policemen who violently handled a student during a demonstration on 10 April 2017, the case of soldiers from the Armed Forces who beat an officer cadet to death in 2019 and the case of National Guard members protecting a presidential convoy who brutally beat up a student in February 2019.

In order to ensure compliance with the provisions of the protocol to the Convention against Torture and to effectively prevent torture, Niger initiated the amendment of Law No. 2012-44 on the NHRC in 2019 to bestow on it the powers of the National Torture Prevention Mechanism.

Finally, it should be noted that the United Nations Sub-Committee on Torture visited Niger from 29 January to 4 February 2017; it went to the detention facilities and also met with the administrative and legal authorities as well as the NHRC. Niger accepted to implement the recommendations of this visit which mainly included the establishment of an independent national mechanism for the prevention of torture and the improvement in detention conditions in the prison establishments.

D. Prohibition of Arrests or Arbitrary Detention: Article 6

Constitutional Provisions:

- Article 11 of the Constitution of 25 November 2010 establishes the sacredness of the human person, thus making it mandatory for the State to respect and protect it;
- Article 12 establishes the right to physical and moral integrity; Paragraph 3 of the same article establishes the right to freedom and security under the conditions defined by the law;
- Article 14 Paragraph 2 provides for punishment for any individual or agent of the State who is found guilty of acts of torture, physical abuse or cruel, inhuman or degrading treatment in the course of or in connection with the discharge of his duties, either on his own initiative or upon instruction;
- Article 15 provides that no one will be obliged to carry out a clearly illegal order;
- Article 18 provides that no one may be arrested or charged except under a law which came into force before the acts they have been accused of were committed, and
- Article 20 paragraph 2 provides that no one may be sentenced for acts or omissions which, at the time they were committed, were not offences under the country’s law.

Legislative Provisions:

- Article 108 of the Criminal Code prescribes a term of imprisonment for any civil servant, agent or officer of the Public Service who orders or commits any arbitrary or prejudicial act either against the freedom of an individual or the civic rights of one or several citizens;
- Article 112 of the Criminal Code provides for criminal sanctions against public prosecutors, the Attorney-General, assistant prosecutors, judges and CID officers who hold an individual or cause
same to be held without a lawful custodial warrant out of the facilities determined by the government or public authorities;

- Article 113 establishes the prescribed criminal sanctions for public officers in charge of the administrative police or the Criminal Investigations Department who refuse or fail to act upon a legal complaint intended to establish illegal or arbitrary detentions, either in the facilities meant for the custody of prisoners or in any facility whatsoever, and fail to show that they have reported them to the higher authority;

- Article 117 provides for criminal sanctions against all public office holders who scheme to take measures which are contrary to the Constitution and the laws;

- Article 102 of the martial law provides that where a committal order or a warrant is issued, the accused person or defendant is either sent to a military prison or, where that is not possible, to a facility designated by the authority empowered to conduct prosecutions;

- Article 62 of the Martial Law (ML) specifies that upon the expiry of the custody deadline, accused persons are brought before the Government Commissioner or the competent civil authority. The immediate superiors are informed of the transfer in writing; furthermore, while they are waiting to be transferred, accused persons may be held in a barracks or gendarmerie lockup or in a military prison (Article 58 paragraph 2 of the ML);

- Article 63 of the ML allows the government commissioner to exempt CID officers from the formal requirements of Article 62, in which case accused persons are sent back to the authority to which they are answerable upon the expiry of the custody deadlines. The superior officers may issue orders for these persons to be sent to a disciplinary unit pending the subsequent decision;

- Article 64 requires military criminal investigation officers to enter the dates and times indicating the commencement and end of the custody measures into their records;

- Article 65 of the ML provides that supervision of the custody of persons who are not members of the armed forces will be the responsibility of the Government Commissioner or the military examining magistrate with territorial jurisdiction; they may respectively delegate these powers to the public prosecutor or the examining magistrate in the jurisdiction where the custody is effected, and

- Article 321 paragraph 6 of the ML considers as war crimes and prescribes punishment for deportation, illegal transfer or displacement and illegal detention of a civilian who is protected by the Convention on the Protection of Civilian Persons in Time of War or a person protected from these same situations by the Geneva Additional Protocols I and II of 12 August 1949;

65. These national legal instruments are consistent with the 39 principles as well as the general provision adopted on 9 December 1988 by the United Nations General Assembly through Resolution 43/173; this is particularly the case for Principle 2 which states that arrests, detention or imprisonment shall only be carried out in strict compliance with the laws and by persons authorized for such purpose. Thus, any person who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him; such a person must enjoy all the guarantees connected to his innocence. They are also consistent with the resolution which requires States to punish any contrary act committed by an agent of the State.

66. Custody and provisional detention deadlines have not witnessed any change since the last report was submitted. Nevertheless, it should be stated that certain bodies or institutions tasked with ensuring change have been reformed or strengthened. Some of these are the General Legal and Prison Services Inspectorate, Information and Complaints Office, Fight Against Corruption (Green Line), court indictment divisions, Pre-trial Investigation Monitoring Units and the General Security Services Inspectorate (Police Service, Niger National Guard and Civil Protection Unit).
E. Right to a Fair Trial: Articles 7 and 26

67. Every fair trial should be guided by the principle of the presumption of innocence as stipulated in Article 11 paragraph 1 of the Universal Declaration of Human Rights and established by Article 20 of the Constitution of Niger.

68. Article 117 of Niger’s Constitution provides that justice is administered in the country on behalf of the people and strictly in accordance with the rule of law as well as the rights and freedoms of every citizen. Judgments handed down by the courts are binding on all, i.e. both the authorities and the citizenry.

69. Article 118 establishes the independence of judges who are only subject to the law in the discharge of their duties. Since the last report was submitted, the law on the organization of the Judiciary has been reviewed through the setting up of new courts and the strengthening of the already existing ones.

70. Thus, Article 1 of Law No. 2018-37 of 1 June 2018 repealing Law No. 2004-50 of 22 July 2004, which determines the organization and jurisdiction of the courts in the Republic of Niger provides that “criminal justice is administered...by the Supreme Court of Appeal, Appeals Courts, Courts of Assizes, High Courts, Court Martial, magistrates’ courts, juvenile courts, community district courts, specialized centre for economic and financial cases and the anti-terrorism legal centre.”

71. The meeting of the High Judicial Council held on 30 July 2019 and chaired by the Head of State appointed magistrates for some new courts established by Law No. 2018-37 of 1 June 2018. This will no doubt enhance the access to justice by the people as well as facilitate their access to legal services.

72. As a consequence of the right to a fair trial, a number of principles are being applied when people appear before all courts in Niger, particularly the presumption of innocence, public hearings, submissions by both parties, respect of the right of the defence, right to appeal, reasons for judgments, notification of appeals procedures, etc.

73. By way of illustration, we can mention below the legal provisions which help to ensure that the requirements of a fair trial are met.

74. Thus, Article 2 of Law No. 2018-37 of 1 June 2018 specifies that “hearings, except otherwise provided by law, shall be in public; unless the public hearing poses a danger to public order or morality, the court to which a matter is referred shall order it to be in camera through a judgment or an interlocutory order.”

75. Article 3 of the same law provides that “in all cases, judgment shall not be passed on anyone, unless he has been able to state his case. Counsel shall have unfettered access to the courts. Accused persons shall be free to choose Defence and counsel. In all cases, the judge shall observe and ensure the observance of the principle of submission by both parties. He shall not base his decision on the arguments he noted on his own without first asking the parties to submit their observations.”

76. Article 5 of Regulation No. 5 /CM/UEMOA of 25 September 2014 which came into force on 1 January 2015 provides that counsels assist their clients right from the time they were arrested during the preliminary investigation at the police station, gendarmerie post and at the prosecutor’s
office without them even having to produce an engagement letter. This Community standard takes precedence over national laws, thereby strengthening the provisions of Article 71 of the Criminal Procedure Code which prescribed that a suspect is entitled to counsel as from the 24th hour of his placement in custody, failing which the proceedings shall be null and void.

F. Freedom of Worship: Article 8

77. In the Republic of Niger, every citizen is free to practise a religion of his choice. Article 3 of the Constitution states that these fundamental principles include the separation of the State from religion. Article 8 paragraph 3 of the same Constitution provides that "the rule of law shall prevail in the Republic of Niger. It shall ensure the equality of all before the law irrespective of sex or social, racial, ethnic or religious origin. It shall respect and protect all beliefs. No religion or belief shall assume political power or interfere in the affairs of the State."

78. Under Article 9, ethnic, regional or religious political parties are prohibited. No political party can be formed to promote an ethnic group, region or religion; non-compliance is punishable by the sanctions provided for by law.

79. The freedom of conscience and religion is established by Article 30 of the Constitution of 25 November 2010 which provides that "Everyone has the right to the freedom of thought, opinion, expression, conscience, religion and worship. The State shall ensure the freedom of worship and the expression of beliefs...."

80. With the development of fundamentalist and extremist ideologies against the backdrop of a sub-regional environment characterized by the appearance of terrorist organizations professing Islam, Niger has passed Law No. 2019-28 of 1 July 2019 on the modalities for the freedom of worship in the Republic of Niger in order to prevent certain excesses. This law is credited with providing our country with a general legal framework on worship to prevent the risks and slippages observed in other countries and laying down the principles for the monitoring of religious practices which are on the increase as a result of the development of religious faiths.

81. It should be noted that according to the report of the last general population census of 2012, Muslims account for 99% of the population. The current status of religious associations of all faiths in Niger is presented as follows: one hundred and five (105) Islamic associations, thirty-eight (38) Christian associations, two (2) animist associations and one (1) Baha’i association.

82. With regard to the status of religious edifices, the number stood at 29 Catholic churches in 2019, while the exact number of mosques, which is in the hundreds of thousands, is not known for both Friday prayers and daily prayers. In 2003, following the establishment of the Niger Islamic Council, there were 234 mosques in the city of Niamey alone.

G. Freedom of Expression and Right to Information: Article 9

83. Since the presentation of the last report, the freedom of expression and right to information situation has made significant progress in Niger. Thus, several legislative measures have been taken by the authorities. In 2018, the National Assembly passed two (2) laws:

- Law No. 2018-23 of 27 April 2018 on electronic communications. This law which abrogates Ordinance No. 93-31 of 30 March 1993 serves as an essential legal instrument to meet the imperatives of the technological, institutional and regulatory changes witnessed by the communications sector. This law is part of the implementation of the “adaptation of the legal and institutional framework” strategic pillar of the national strategy paper for the transition to Terrestrial Digital Television (TDT). This reform involves the various value chains (broadcast entity, content production, multiplex and other service offers).
• Law No. 2018-31 of 16 May 2018 amending and supplementing Law No. 2012-34 of 7 June 2012 on the composition, terms of reference, organization and operational procedures of the CSC. In addition to adapting the legal and institutional framework to the context of the TDT, it corrects certain deficiencies raised by the CSC; this particularly has to do with the inability of this body to act where slippages occur on the part of a media outfit and the fact that it was impossible to ensure the interruption of a live broadcast likely to disturb the peace and social order. The latter reform has been criticized by certain communications practitioners who fear that officials of the CSC would abuse it. However, this concern is dispelled when one is aware that a case of abuse of power can be made before the Council of State to challenge decisions of CSC.

84. Before these two (2) reforms, Niger passed Law No. 2017-28 of 3 May 2017 on the protection of personal data in 2017. Finally, in 2019, Law No. 2019-33 of 3 July 2019 on the crackdown on cybercrime was passed.

85. At the legal and institutional levels, the High Communications Council (CSC), the independent administrative authority which ensures the effectiveness of press freedom, saw the renewal of the term of its members on 10 April 2018 and a review of its remit with Law No. 2018-31 of 16 May 2018 amending Law No. 2012-34 of 7 June 2012 and Law No. 2018-23 of 27 April 2018 on electronic communications. Under Article 157 of the Constitution of 25 November 2010, the main mission of the High Communications Council is to ensure the freedom and independence of the means of audio-visual communication, print media and electronic media in accordance with the law.

86. The CSC distributed the 2016-2017 media assistance fund on 29 November 2018. That is how following the criteria set by the institution, 35 private media outfits in Niger (newspapers and radio and television stations) received FCFA 290,500,000 – FCFA 88 million for 2016 and two hundred and two million five hundred thousand (FCFA 202,500,000) for 2017. This fund aims at strengthening the technical, material and editorial capacity of private media outfits in order to help with the establishment of real media enterprises in Niger. With the recent reforms, this fund will no longer be paid in cash to the media outfits, but would rather be used to fund capacity strengthening training programmes for journalists.


88. These figures do not in any way reflect a decline in press freedom in Niger. RSF based its work on the closure of some media outfits, but these involved mere administrative and tax measures aimed at preventing possible public order disturbances and asserting the rights of the State. The closures were only motivated by the need to put an end to messages of hate, revolt and incitement to violence carried by these media outfits as well as their lack of taxpayer compliance. They were carried out in accordance with the law to maintain peace and public order and to bring them back to order by ensuring that they respect their ethics and the laws of the land.

89. It is important to note that since the passage of the law on the decriminalization of press offences, no journalist has been detained for offences committed via the media (defamation and insults). It should be recalled that this law does not forbid the arrest of journalists who commit common law offences, hence the confusion on the part of some people who were quick to criticize when a journalist was arrested, no matter the reason.
90. The media space in Niger has been making progress since 2016. In addition to the 2 public newspapers and 54 private newspapers, Niger has eight (8) on-line news websites.

91. The following table highlights the number of public and private radio and television stations operating in the country on a regional basis:

<table>
<thead>
<tr>
<th>Regions</th>
<th>Private Television Stations</th>
<th>Private Television Relays</th>
<th>Private Radio Stations</th>
<th>Private Radio Relays</th>
<th>Community radio stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGADEZ</td>
<td>-</td>
<td>4</td>
<td>5</td>
<td>8</td>
<td>21</td>
</tr>
<tr>
<td>DIFFA</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>4</td>
<td>16</td>
</tr>
<tr>
<td>DOSSO</td>
<td>-</td>
<td>4</td>
<td>8</td>
<td>7</td>
<td>22</td>
</tr>
<tr>
<td>MARADI</td>
<td>-</td>
<td>4</td>
<td>10</td>
<td>7</td>
<td>27</td>
</tr>
<tr>
<td>NIAMEY</td>
<td>15</td>
<td>-</td>
<td>30</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>TAHOUA</td>
<td>-</td>
<td>5</td>
<td>9</td>
<td>7</td>
<td>29</td>
</tr>
<tr>
<td>TILLABERY</td>
<td>-</td>
<td>3</td>
<td>8</td>
<td>3</td>
<td>38</td>
</tr>
<tr>
<td>ZINDER</td>
<td>1</td>
<td>4</td>
<td>7</td>
<td>8</td>
<td>33</td>
</tr>
</tbody>
</table>

Source: CSC March 2019

92. The challenges in the way of press freedom are the same as those raised in the 2014-2016 periodic report, namely the insecurity of media outlets, lack of responsibility on the part of the stakeholders in a highly diversified media environment and the fact that the labour bargaining agreement of media workers has not been signed.

93. Measures have been taken to surmount some of the challenges; these include the passage of Decree No. 2017-052/PRN/MC of 25 January 2017 governing the practice of the advertising profession via the press. In this regard, the High Communications Council published on 3 December 2018 a communiqué calling for the respect of the law, including Ruling No. 0004/P/CSC of 30 November 2017 which determines the conditions for authorization to practise the advertising profession via the press.

94. With regard to the labour bargaining agreement of media workers, and in the light of the financial implications it will have, media owners made the adoption of the law on advertising via the press a precondition for it to be signed.

95. Following a quarterly monitoring mission, the Niger Independent Media Ethics Observatory (ONIMED) made public on 3 August 2019 a communiqué in which it stated that for 79 registered newspapers, 30 breaches were observed; they violated Article 7 of the code of ethics of journalists and Article 10 of the Journalists’ Charter which forbids plagiarism, libel, defamation and any action aimed at harming a colleague or a press house.

H. Freedom of Association: Articles 10 and 11

96. Although the number of NGOs and associations has increased, the regulatory framework has not been amended since the last report was submitted. Thus, in 1990, there were only 60 of them, but the number rose to 2,735 in 2017 and reached 2,895 as at 31 December 2018. A memorandum of understanding is adopted every five years through an order issued by the Minister responsible for their sector ministry; it is reached between the NGOs/ADs on the one hand, and the State on the other hand, and specifies their respective commitments and sanctions to be applied in the event of violations.
97. The following tables provide an overview of the trend of the number of NGOs/ADs and their distribution by sector of intervention.

Table 3: Trend of Number of NGOs/ADs by Year

<table>
<thead>
<tr>
<th>Category</th>
<th>1990</th>
<th>1999</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Local NGOs</td>
<td>49</td>
<td>82</td>
<td>68</td>
<td>21</td>
</tr>
<tr>
<td>Foreign NGOs</td>
<td>11</td>
<td>18</td>
<td>255</td>
<td>79</td>
</tr>
<tr>
<td>Totals</td>
<td>60</td>
<td>100</td>
<td>323</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: NGO/AD Directorate, Ministry of Community Development

Table 4: Distribution of NGOs/ADs Recognized in 2018 by Intervention Sector

<table>
<thead>
<tr>
<th>Sector of Intervention</th>
<th>Local NGOs/ADs</th>
<th>Foreign NGOs</th>
<th>Totals</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>07</td>
<td>02</td>
<td>09</td>
<td>5.6</td>
</tr>
<tr>
<td>Health</td>
<td>05</td>
<td>02</td>
<td>07</td>
<td>4.375</td>
</tr>
<tr>
<td>Environment</td>
<td>02</td>
<td>02</td>
<td>04</td>
<td>2.5</td>
</tr>
<tr>
<td>Water</td>
<td>01</td>
<td>01</td>
<td>02</td>
<td>1.25</td>
</tr>
<tr>
<td>Culture</td>
<td>02</td>
<td>/</td>
<td>04</td>
<td>2.5</td>
</tr>
<tr>
<td>Human Rights</td>
<td>05</td>
<td>/</td>
<td>05</td>
<td>3.125</td>
</tr>
<tr>
<td>Social Development</td>
<td>72</td>
<td>08</td>
<td>80</td>
<td>50</td>
</tr>
<tr>
<td>Integrated Development</td>
<td>44</td>
<td>05</td>
<td>49</td>
<td>30.6</td>
</tr>
<tr>
<td>Totals</td>
<td>138</td>
<td>22</td>
<td>160</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Public Freedoms Directorate, Ministry of the Interior/SP/DACR 2018

I. Freedom of Assembly and Demonstration: Article 11

98. The legislative framework has not been amended since the last report was submitted. Law No. 2004-45 of 6 June 2004 continues to govern public demonstrations. They are still subject to the adjudicative regime, with the exception of demonstrations on public roads in accordance with the local practices or political rallies and processions organized during electioneering campaigns which are governed by the political parties’ charter and the electoral code.

99. Following the passage of the 2018 appropriations act by the National Assembly, civil society organizations have organized marches and subsequent meetings which often led to the intentional destruction of public and private property. Some of these demonstrations were held in spite of the fact that administrative notices had been served on their organizers to declare them unlawful.

100. From 2017 to 2019, several marches were banned by the municipal authorities for various reasons which had to do with non-compliance with the deadline for prior declaration of intent, route, date or time chosen, security, etc.

101. Certain bodies often defy the ban rather than contesting it before the law, a situation which leads to confrontations with the law enforcement agencies, as was seen in the events of 10 April 2017 which led to the death of a student.

102. In 2018, fifteen (15) notices were served for the holding of demonstrations in the Niamey region; three of them were authorized, while 12 were rejected. Twenty-three (23) civil society activists were arrested in Niamey and arraigned before the courts for participating in an unlawful demonstration. They were given a fair trial on 10 July 2018 and sentenced to a three-month
suspended term of imprisonment and fined an amount of 300,000 Francs. They appealed against the decision and the Niamey Appeals’ Court freed them per order dated 9 September 2019. This goes to show the independence of our justice system.

103. Concerning the exercise of the right to demonstrate in the course of this year, five demonstration notices had been served as at 10 August – two were authorized and three were rejected.


104. Articles 12, 16 and 32 of the Constitution have established the rights under Articles 6 and 12 of the African Charter on Human and Peoples’ Rights. Today, Niger is still striving to respect the provisions of these Articles. Nevertheless, given that the current security situation is characterized by numerous attacks by armed groups in several parts of our country, some of these rights are restricted as a result of the application of measures linked to the state of emergency.

105. Anyone who is held in police custody during an investigation should be examined by a doctor at the end of the custody and prior to his arraignment before court. A criminal investigation officer who does not comply with this procedure will have his report annulled by the judge without prejudice to the possible disciplinary and/or criminal sanctions. Several annulments and sanctions have been ruled on by judges.

106. UEMOA Regulation No. 5 provides that anyone held in police custody is entitled to counsel as soon as he is arrested. The Bar, NHRC and judges regularly check custodial premises to find out whether all the legal provisions are being complied with. These include compliance with custody deadlines, right to a medical examination, right to counsel, prohibition of violence…

107. No one can be arrested without a warrant; where that happens, the victim is entitled to file a complaint for arbitrary detention against the person who agreed to detain him without a court warrant and the one who gave the unlawful order.

108. The length of pre-trial remand may not exceed six months renewable once for ordinary offences and 18 months for serious offences with the possibility of an extension for 12 months. For the most serious crimes, the duration is indefinite (e.g. murder, assassination, parricide, terrorism…).

K. Right to Asylum and Choice of Residence: Article 12

109. Niger has constitutional and legislative provisions establishing the non-refoulement of asylum seekers, particularly where they are at risk of suffering bad treatment. Thus, mention can be made of Article 11 of the Constitution and Law No. 97-016 of 20 June 1997 on the status of refugees, Article 6 of which states that applicants and beneficiaries of Refugee Status may only be expelled, turned away or extradited from Niger on grounds of national security or public order. Paragraph 2 of the same Article states that “No refugee may be expelled, turned away or extradited to the borders of a country where his life or freedom would be threatened on account of his race, religion, nationality or membership of a particular social group or political opinions.”

110. All persons living in the country, be they nationals or foreigners (particularly migrant workers and their family members), are entitled to protection by the law even if they are undocumented.
111. With regard to the treatment of migrants and refugees, Niger respects the Geneva conventions. Thus, as part of its traditional hospitality and solidarity with all peoples, it hosted thousands of people who had been turned away by other countries in various camps; they are of various nationalities, including Sudanese, Somalis, Eritreans, Malians and Nigiens living in the north, east and west of the country. Within a few months in 2018, Niger received 45 flights carrying more than 17,000 people who had been turned away by Algeria. These people are not suffering any bad treatment and are actually enjoying all the basic social services. Officers of the UNHCR, IOM and ICRC regularly visit their camps. Many of them have applied for refugee status with the National Refugee Status Eligibility Commission (CNE).

Table 5: Status of Applications for Refugee Status – 2017, 2018 and 2019

<table>
<thead>
<tr>
<th>Designations</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>Totals for the 3 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Sessions Held</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>Number of Applications</td>
<td>10</td>
<td>437</td>
<td>300</td>
<td>747</td>
</tr>
<tr>
<td>Considered</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Positive</td>
<td>6</td>
<td>355</td>
<td>216</td>
<td>577</td>
</tr>
<tr>
<td>Responses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Negative</td>
<td>4</td>
<td>82</td>
<td>80</td>
<td>166</td>
</tr>
<tr>
<td>Responses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjournments</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Rejections</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Appeals Session

<table>
<thead>
<tr>
<th>Designations</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>Totals for the 3 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Sessions Held</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Number of Applications</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Considered</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Positive</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Responses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Negative</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Responses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Adjourned</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Applications</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: CNE

112. In 2018, some Nigeriens and Sudanese benefitted from a voluntary repatriation programme organized in conjunction with the international organizations and NGOs. Nearly 2,000 Sudanese from Darfur fled from Libya to Niger.

113. Everyone living in Niger has the right to move about freely and to choose his residence in the country. In addition, anyone may freely leave the country if he so wishes and return thereto, subject to the procurement of an entry visa for non-nationals who do not come from an ECOWAS country.

114. The fundamental law offers all citizens enjoying their civil and political rights the right to freely choose their place of residence and to move within the country. They are guaranteed the right to enter and leave the country. Any restriction on these rights may only be ordered for a given period through a justified decision of the legal authority. The right to free movement is also extended to resident foreigners, on condition that they submit themselves to the national law, particularly as it relates to entry and residence visas.
115. On the right to leave the country, the only restrictions which may be imposed concern persons who are the subject of legal proceedings on account of which the examining magistrate has ordered the withholding of their travelling document for reasons connected to the investigation.

116. Whatever the case, only the legal authorities have the power to forbid people to leave the country. No one can be prevented from returning to his country.

L. Right to Participate in the Government of One’s Country and Access to Public Property and Services: Article 13

117. The Constitution guarantees the enjoyment of civil and political rights, subject to compliance with the legal conditions for the enjoyment of those rights. Article 7 provides that “suffrage may be direct or indirect. It shall be universal, free, fair and secret. Nigeriens of the two (2) sexes, who have attained the age of 18 by the day of voting or emancipated minors who enjoy civil and political rights shall qualify to vote.”

118. Article 9 of the Constitution states that “As part of the freedom of association recognized and guaranteed by this Constitution, political parties, groups of political parties, unions, non-governmental organizations and other associations or groups of associations shall be formed and carry out their activities freely in accordance with the prevailing laws and regulations. The parties and groups of political parties shall participate in the expression of suffrage. The same prerogatives shall be recognized for every Nigerien who enjoys civil and political rights and meets the eligibility conditions provided for by law.”

119. In accordance with the principle of full multipartyism and that of the freedom of association, the number of political parties in Niger continues to rise; as at 14 August 2019, it stood at one hundred and twenty-two (122).

120. Indeed, Article 6 of the Constitution provides for an Independent National Electoral Commission (INEC) responsible for the organization, conduct and supervision of the voting process and declaration of provisional results. Organic Law No. 2017-64 of 14 August 2017 on the electoral code provides that the INEC is permanent, independent of any authority or organization and enjoys autonomy with regard to its management, organization and operations.

121. Since it was established on 3 November 2017 and its members took the oath of office on 13 November of the same year, the Independent National Electoral Commission has been providing rigorous, competent, professional and transparent leadership for the electoral process. Thus, the citizens of Niger, who are at the centre of the electoral process, will have their names entered into the biometric voters’ register in 2019 and will freely exercise their right to vote during the 2020/2021 local and general elections. Voter registration activities started on 15 October 2019.

122. The major challenge facing the INEC, therefore, continues to be the compilation of a reliable and secure biometric voters’ register and the holding of credible, transparent and democratic elections. These elections will ensure the strengthening of the institutions of State and the first democratic change since independence was attained.

123. The INEC’s budget allocation depends on the number of elections to be held in the year. For the various elections scheduled to be held in the country between 2019 and 2020, i.e. the municipal, presidential, regional or even parliamentary elections, a little over FCFA 87 billion has been budgeted. These funds have been distributed as follows: FCFA 42.7 billion for the new
biometric voters’ register; FCFA 7.2 billion for the everyday running of the institution throughout the election period; FCFA 13.5 billion for the organization of local elections, i.e. municipal and regional elections; FCFA 13.7 billion for the first round of the parliamentary and presidential elections, and FCFA 9.7 billion for the second round.

124. Learning from the experiences of the previous elections held in 2016, Niger has initiated a process to reform the electoral code with the sole objective of ultimately holding elections in a peaceful environment in 2021. Thus, the National Political Dialogue Committee which brings together all the political parties got to work by setting up a committee in October 2018 to recommend a review of the disputed articles of the electoral code.

125. In its quest for consensus with the opposition parties, the Government accepted their proposals for the amendment of certain articles of the electoral code they thought were non-consensual. These articles are as follows:
- Article 12 on the composition of the INEC which will now be made up of 19 permanent members instead of 13 and one representative of each candidate standing for the presidential elections;
- Article 14 on the composition of the officers of the INEC which will now be made up of 7 members instead of 4 to cater for representatives of the non-affiliated parties, and
- Article 80 on the composition of polling stations to enable the competing political parties to make proposals to the INEC on the officers to man them.

126. At the moment, the only Article some opposition parties want reviewed but for which a consensus has not been reached is Article 18 which disqualifies from voting or standing for election any person who has been sentenced to a term of imprisonment of one (1) year or more than a year for committing an offence for which he has not been pardoned. Therefore, it is actually the electoral code adopted by Law No. 2019-38 of 19 July 2019 which is still in force.

127. From 2017 to October 2019, thirty (30) mayors from various urban and rural communes were dismissed either because of serious offences like misappropriation of funds detected through inspections in particular or the poor management of their entities as a result of unproductive internal squabbles. Fourteen (14) other mayors were removed by their municipal councils through a vote of no confidence and seventeen (17) municipal councils were dissolved and replaced by special government management teams. All these measures were taken in accordance with Ordinance No. 2010-54 of 17 September 2010 on the General Local Authorities Code and its subsequent amendments.

128. In order to encourage the participation of women and to deal with the obstacles to participation in the country’s political and public life, the ministry responsible for the promotion of women fast-tracked a diagnostic study on the status of women’s leadership to enable it formulate a programme. During the 2016 general elections, several activities were carried out by both state agencies and civil society to improve the participation of women in public management.

II. ECONOMIC, SOCIAL AND CULTURAL RIGHTS
A. Right to Property: Article 14

1) Enactments
129. Since the last report was submitted, there has been no amendment to the various enactments governing the right to property in Niger, namely the Constitution, civil code, Law No. 61-37 of 24 November 1961 regulating expropriation in the public interest and the temporary occupation of public lands amended by Law No. 2008-37 of 10 July 2008, Ordinance No. 99-50 of 22 November 1999 on the setting of rates for the disposal and occupation of state lands in the Republic of Niger and Decree No. 2009-224/PRN/MU/H of 12 August 2009 on the modalities for the application of the special provisions of Law No. 61-37 of 24 November 1961 regulating expropriation in the public interest and the temporary occupation of public lands amended by Law No. 2008-37 of 10 July 2008 on the involuntary displacement and resettlement of people.

130. On access to landed property, certain customs in Niger tend to discriminate against certain segments of society, particularly women and widows. However, Article 72 of Law No. 2018-37 of 1 June 2018 provides that the courts must set aside the application of any custom which is inconsistent with international conventions, the laws, regulations and mores.

2) Procedure for Expropriation in the Public Interest

131. According to Article 28 of the Constitution, the right to property may only be violated in cases where the public interest so requires and in accordance with due process. The State endeavours to ensure equitable access to rural lands by all rural stakeholders as well as natural persons and legal entities subject to public law or private law and to guarantee the respect of this right. Any person may go to court if he thinks the act of another person or the authorities has compromised the peaceful enjoyment of his right to property.

132. In the event of expropriation in the public interest, compensation must first be paid to the victim, except where it is an emergency situation or a force majeure. Consequently, a prior investigation will ensure that the concerns and interests of the individual or society are taken into account. The financial assessment of the rights of the person or society concerned will then be conducted. The entire process involves all stakeholders in order to ensure that all of their interests are further taken into account.

133. Expropriation can only affect immovable assets and the resultant real property rights. Bare, built, developed, cultivated or planted land in particular may be acquired through expropriation in the public interest essentially for the execution, implementation or use of public works.

134. The law provides that where expropriation leads to displacement, the compensation process for persons affected by the operation should be based on their effective participation. The affected persons will be compensated irrespective of their religion, ethnicity or political coloration.

B. Right to Life and Right to Fair and Favourable Working Conditions: Article 15

135. This provision has witnessed a few changes since the country submitted its last report. Thus, Decree No. 2017-682-PRN/MET/PS of 10 August 2017 on the regulatory section of the labour code spells out the following:

- Article 157 states that “the employment of children to undertake any job which endangers their lives or health shall be prohibited. The employment of children under twelve (12) years old shall be prohibited absolutely. The modalities for the employment of children above twelve (12) years old shall be determined by Articles 162 to 176 below.”

- Article 158 provides that “it shall be prohibited to employ children under eighteen (18) years old; offenders shall be subjected to criminal prosecution:
  - in all forms of slavery or similar activities such as sale and trafficking, debt servitude and bondage as well as forced or compulsory labour, including forced or compulsory recruitment for their use in armed conflicts;
- in the use, recruitment or offer of a child for the purposes of prostitution, production of pornographic materials or pornographic shows, and
- in the use, recruitment or offer of a child for the purposes of unlawful activities, particularly for the production and trafficking of narcotic drugs, as defined by the relevant international conventions duly signed and ratified by Niger.”

✓ Article 159 provides that “it shall also be prohibited to employ children under eighteen (18) years old in tasks which, by their very nature or the conditions under which they are performed, are likely to harm their health, development, security or morality; offenders shall be subject to the sanctions provided for by the Criminal Code on the endangerment of the lives of others. The Labour Inspector shall determine what constitutes dangerous work.

An appeal against the decision of the Labour Inspector may be addressed to the Minister of Labour who shall decide on the matter upon the advice of the Technical Work Safety and Health Advisory Committee.”

✓ Article 160 provides that “it shall be prohibited to employ children under sixteen (16) years old; offenders shall be subject to criminal prosecution:
  - tasks executed with flying scaffolds;
  - turning of vertical wheels, winches or pulleys;
  - public performances given in theatres and cinema halls; and
  - appearance in cafés, concerts, night clubs or circuses to perform dangerous amazing feats or acrobatic exercises.”

✓ Article 161 provides that “it shall be prohibited to employ children of the female gender under sixteen (16) years old; offenders shall be subject to criminal prosecution;
  - in a continuous work behind stepping sewing machines, and
  - in the outdoor displays of shops and stores.”

136. A National Action Plan to combat child labour was validated during a workshop held in Niamey on 9 and 10 January 2018. The implementation of the “Reducing Child Labour in Agriculture” project at the Ministry of Agriculture and Livestock started in June 2016 and was completed at the end of March 2018. It was extended for seven months due to the delay in the implementation of activities. The overall objective is to: reduce the proportion of children compelled to work in agriculture in order to contribute to the emergence of decent rural jobs and the fight against rural poverty in the regions concerned, namely Niamey, Dosso, Tahoua, Tillabéry and Maradi.

137. Law No. 2018-22 determining the fundamental principles of social protection which aims at ensuring the social protection of potentially vulnerable and vulnerable persons in accordance with the national social protection policy was passed on 27 April 2018. It ensures the full enjoyment of fundamental human rights and the rights of vulnerable persons in particular.

138. In accordance with the provisions of the Labour Code, Niger initiated work on the holding of its first union election to determine the most representative trade union and employers’ organizations. Thus, by Order No. 2247/MET/PS/SG/DGT/E of 14 September 2017, the rules for the organization of these elections were set. The electioneering campaign opened from midnight on Thursday 11 July 2019 and closed at midnight on Tuesday 30 July 2019. In accordance with the consensual timetable adopted by all stakeholders on 27 May 2019 and in application of the provisions of the electoral code, the college was convened on 1 July 2019 to participate in the election on Wednesday 31 July 2019. These elections were contested by 12 groups of allied trade unions representing more than 250 workers’ unions.
The final results of the union elections held to determine the representativeness of trade union organizations were declared per Order No. 0072/MET/PS/SG/DGT/DT/PDS of 19 September 2019 as follows:

Table 6: Final Results of the Union Elections of 31 July 2019

<table>
<thead>
<tr>
<th></th>
<th>Democratic Workers’ Federation of Niger (CDTN)</th>
<th>14,073</th>
<th>32.31%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Nigerien Labour Union (CNT)</td>
<td>13,077</td>
<td>30.03%</td>
</tr>
<tr>
<td>3</td>
<td>Federation of Workers’ Unions of Niger (USTN)</td>
<td>5,343</td>
<td>12.27%</td>
</tr>
<tr>
<td>4</td>
<td>General Federation of Free Unions of Niger (CGSL-Niger)</td>
<td>3,853</td>
<td>8.85%</td>
</tr>
<tr>
<td>5</td>
<td>Progressive Workers’ Union (USPT)</td>
<td>2,912</td>
<td>6.69%</td>
</tr>
<tr>
<td>6</td>
<td>General Workers’ Union of Niger (UGTN)</td>
<td>1,126</td>
<td>2.58%</td>
</tr>
<tr>
<td>7</td>
<td>Democratic Workers’ Union of Niger (UDTN)</td>
<td>987</td>
<td>2.27%</td>
</tr>
<tr>
<td>8</td>
<td>Niger General Federation of Labour (CGT-Niger)</td>
<td>801</td>
<td>1.84%</td>
</tr>
<tr>
<td>9</td>
<td>National Confederation of Unions of Civil Service Ancillary Staff (UNSAAN)</td>
<td>527</td>
<td>1.21%</td>
</tr>
<tr>
<td>10</td>
<td>Niger Workers’ Federation (CSTN)</td>
<td>298</td>
<td>0.68%</td>
</tr>
<tr>
<td>11</td>
<td>Federation of Free Unions of Ancillary Staff of Niger (USLAN)</td>
<td>279</td>
<td>0.64%</td>
</tr>
<tr>
<td>12</td>
<td>Federation of Free Unions of Workers of Niger (USLT/N)</td>
<td>276</td>
<td>0.63%</td>
</tr>
</tbody>
</table>

Source: MET/PS

For all issues concerning employment, labour and social security, the Government is negotiating with the social partners on the Inter-Ministerial Committee responsible for negotiations with social partners.

In addition to the information provided in the previous report, the labour inspectors, in furtherance of their role as advisers and mediators, continue to assist workers and employees when disputes arise in order to ensure adequate protection from arbitrary, unfair and unjustified dismissals and induced resignations as well as other unfair labour practices.

On measures taken to actualize the right of everyone to earn a living through a freely chosen and accepted job, the Ministry of Vocational and Technical Education and that of Employment, Labour and Social Protection are constantly working to improve them.

The regulatory section of the labour code dedicates a whole chapter to the issues of safety and health at the workplace. Thus, according to Article 212, the employer is required to take all necessary measures to ensure the safety of the workers he employs as well as all the workers present in his firm. These measures include activities aimed at preventing professional risks and promoting information and training as well as the setting up of an organization and the provision of suitable resources. It ensures the suitability of these measures to take the change of circumstances into account and to aim at improving existing situations.

Article 213 further highlights the responsibility of the employer for the protection of the health and lives of the workers he employs. He should ensure that neither the physical health nor the mental health of workers at any work station suffers any injury. He will bear the resultant costs and those required for the training and education of his staff.
145. Article 214 adds that in order to meet the requirements of this obligation, the employer should demand the essential skills for each specific case. Where this knowledge does not exist in the firm, external specialists like labour inspectors specializing in workplace safety and health, ergonomists, labour psychologists or any other person with the relevant competence should be called upon.

146. According to Article 372 of the regulatory section of the labour code, a workplace safety and health committee (CSST) should be set up in all firms or all establishments subject to the Labour Code and employing at least fifty (50) salaried workers. The number to be taken into consideration is the number of workers usually engaged in the establishment, whether their names are necessarily entered into the register of the employer or otherwise.

147. Note is also taken of the launch of the “Zero Vision” campaign in all the regions of the country in 2019 which is based on the prevention of occupational risks; it is a transformational prevention approach developed by the International Social Security Association (ISSA) which includes the three (3) dimensions of the health, safety and wellbeing at the workplace and is based on seven (7) golden rules:

1. Show leadership – demonstrate one’s commitment;
2. Identify dangers – assess risks;
3. Define objectives – formulate programmes;
4. Ensure a safe and healthy system – be organized;
5. Ensure safety and health on machines, equipment and work premises;
6. Improve qualifications - develop skills, and
7. Invest in the person - motivated by participation.

148. This campaign is a strategy for the prevention of work-related accidents based on the conviction that all accidents, sicknesses and their multiple consequences are avoidable and that it is possible to have a world without serious and fatal accidents. Note is also taken of the institution of the African Day for the Prevention of Occupational Risks (JAP). Every year, as part of efforts towards the prevention of occupational risks, the month of April has been declared as the “occupational risk prevention month” by the African Institute for the Prevention of Occupational Risks (IAPRP). Finally, there is the African Occupational Risk Prevention Fair (SAPRIP) which takes place every three (3) years as part of efforts towards the prevention of occupational risks.

149. On the right to equal pay for equal work, the information contained in the last report is still relevant.

150. With regard to the right to rest, leisure and a reasonable limit of working hours, Article 138 of the regulatory section of the labour code states that, in certain professions, as a result of the intermittent nature of work, duration of presence higher than the legal duration of work is considered as equivalent to forty hours of actual work.

151. The equivalent weekly working hours are as follows:
- 42 hours for hospital staff assigned to sales in pharmacies and retail trade;
- 45 hours for staff of hospitals and all health care, convalescence and rest establishments, staff assigned to retail sales in cake shops and bakeries as well as cooks in hotels and restaurants;
- 48 hours for drivers exclusively assigned to the transportation of staff of a firm and coach and private vehicle drivers as well as male and female nurses;
- 50 hours for staff of hairdressing, manicure and beauty salons; for staff other than hotel and restaurant cooks, the duration of presence considered for the determination of equivalents does not include the periods of time spent on meals;
- 52 hours for taxi drivers;
- 54 hours for staff employed to operate inland waterway vessels;
- 56 hours for day watchmen who are not accommodated and more particularly staff assigned to security and surveillance operations, and
- 72 hours for night watchmen.

152. With regard to air transport firms, since certain designations do not include actual work throughout the day at work, a duration of work equivalent to forty (40) hours may be authorized by the labour inspector upon the advice of the staff representatives, and up to forty-eight (48) hours per week for baggage handlers and packers, ground and front-line staff, arrivals staff as well as coach and private vehicle drivers.

153. Article 139 provides that “For certain activities, the forty (40) hours per week rule may be waived per an Order from the Minister of Labour where the duration of actual work does not exceed ten (10) hours a day and where the worker gets a rest period of twenty-four consecutive hours in the cycle.”

154. On equality and non-discrimination in access to decent work, Article 4 of the regulatory section of the labour code provides that “Discrimination in employment and occupational matters shall be prohibited. Discrimination means: any distinction, exclusion or preference based on race, colour, sex, age, religion, political opinion, ancestry or social origin, disability, sickle cell anaemia, HIV-AIDS, membership or non-membership of a trade union or engagement in a trade union activity which has the effect of compromising or altering equal opportunities or treatment in employment or occupational matters; any other distinction, exclusion or preference which has the effect of compromising or altering equal opportunities or treatment in employment or occupational matters.”

155. Article 5 further states that “in all firms, workers shall have the right to express themselves on the content, conditions of engagement and organization of work through the institutions representing workers.”

156. Article 6 provides that “heads of firms shall consider persons with disabilities who have the required qualification when they are recruiting staff. A 5% quota shall apply for any recruitment of twenty (20) workers and more. The labour inspectors shall in the course of their in-house inspections check the extent to which employers have discharged the above obligation.”

157. Law No. 2012-45 of 25 September 2012 on the Labour Code of the Republic of Niger has provided for the following sanctions for any breach of the above-mentioned provisions:

- **Article 338:** Any employer who takes sex, age, ancestry or social origin, race, religion, colour and public opinion into consideration to make decisions regarding hiring, discharge and distribution of duties, professional training, promotion, remuneration, provision of social benefits, discipline or termination of employment contract in particular shall be punishable by a fine of between five hundred thousand (500,000) and two million (2,000,000) Francs and a term of imprisonment of between one (1) and five (5) years or only one of the two sentences. In the event of a subsequent offence, the fine shall be doubled and the term of imprisonment shall be raised to between two (2) and ten (10) years.
- **Article 339:** Any employer who takes disability into consideration to make decisions concerning hiring, discharge and distribution of duties, professional training, promotion, remuneration, provision of social benefits, discipline or termination of employment contract in
particular shall be punishable by a fine of between five hundred thousand (500,000) and one million (1,000,000) Francs.

In the event of a subsequent offence, the sentence shall be doubled.

- **Article 340:** Any employer who takes HIV-AIDS or sickle cell anaemia into account to make decisions concerning hiring, discharge and distribution of duties, professional training, promotion, remuneration, provision of social benefits, discipline or termination of employment contract in particular shall be punishable by a fine of between five hundred thousand (500,000) and two million (2,000,000) Francs.

  In the event of a subsequent offence, the sentence shall be doubled.

- **Article 341:** Any employer who takes membership or non-membership of a trade union and the engagement in trade union activities of workers into consideration to make decisions concerning hiring, discharge and distribution of duties, professional training, promotion, remuneration, provision of social benefits, discipline or termination of employment contract in particular shall be punishable by a fine of between two hundred thousand (200,000) and five hundred thousand (500,000) Francs.

  In the event of a subsequent offence, the sentence shall be doubled.

C. **Right to Physical and Mental Health: Article 16**

  i) Legislative and administrative measures taken to ensure the supply of essential medicines to all who need them, as defined periodically in the WHO Action Programme on essential medicines and antiretrovirals in particular;

158. The availability of medicines, vaccines, consumables, food and therapeutic inputs, reagents, blood, derivatives and medical consumables, including ARVs, was improved and accounted for 30.87% of current health expenditure in 2017, i.e. about FCFA 112,923 billion, against FCFA 92,085 billion in 2016.

159. In order to improve the availability of quality health products, Niger has just formulated a National Strategic Plan for the supply of health products (2019-2023) budgeted at 18 million euros. The adoption of this Plan ties in with the strategic pillars of the 2017-2021 Health Development Plan. A detailed situational analysis of the pharmaceutical system was carried out based on various studies, assessments as well as audits. It then helped to identify the Strengths, Weaknesses, Opportunities and Threats of the National Supply System for health products. The main concerns identified mainly revolve around: (i) weakness of the National Pharmaceutical Board (ONPPC) which is the wholesale distributor of the public sector; (ii) plethora of supply chains which are not under the control of the regulatory authority; (iii) poor governance and leadership in the supply chain; (iv) weakness of available human resources; (v) worrying development of the illegal market; (vi) inadequate regulatory framework which does not cover all health products, and (vii) issue of inadequate funding and difficulty in the mobilization of funds.

160. The Ministry of Health gives priority to the distribution of medicines and health products to the last kilometre with the ONPCC acting as the main stakeholder. The success factors depend on a commitment by the Ministry for the mobilization of funds, provision of adequate personnel, implementation of desired reforms, etc.

161. The implementation of the activities of the strategic plan is expected to produce the following impacts:

  i) strengthening of the governance and coordination of the SNA to ensure the transparency of the system;
2) strengthening of the regulatory framework for the release of standard medicines and health products throughout the SNA;
3) strengthening the institutional and organizational capacity of the key institutions of the SNA;
4) strengthening of human resources to ensure the availability and traceability of quality medicines and health products in the SNA, and
5) sustainability of SNA funding of medicines and health products.

These impacts are expected to make health products available at all the levels of the health pyramid through a single supply chain structured around the ONPPC and managed by the DPHMT.

162. With regard to antiretrovirals (ARVs), Niger has since 2004 introduced a free distribution policy called the Nigerien ARV Access Initiative (INARV). Thus, ARVs and other health care products are distributed free of charge to patients; this is why Niger has had a dedicated budget line for ARVs since 2011 which has now become an anti-HIV support line duly incorporated into the Appropriations Act which also ensures the procurement of reagents and other bio-medical equipment in addition to ARVs to provide medical care for HIV.

ii) Legislative and administrative measures taken to ensure universal vaccination against the main infectious diseases as well as measures taken to ensure the prevention, treatment and control of epidemic and endemic diseases;

163. For universal vaccination against the main infectious diseases, reference should be made to Recommendation XXVI of Part 3 below. For measures taken to ensure the prevention, treatment and control of epidemic diseases, note should be taken of the continuation of the campaigns against cholera, meningitis, measles and poliomyelitis. Among others, measures aimed at monitoring and fighting epidemics concerned the following:
   - strengthening of the capacity of health facilities, disease surveillance entry points and events of public health significance;
   - strengthening of the capacity of personnel for the early detection and proportionate response to epidemics and other events of public health significance in accordance with the provisions of the International Health Regulations and the Integrated Disease Surveillance and Response;
   - regular holding of meetings of senior epidemic management staff at all levels, and
   - formulation and implementation of a multisectoral response plan.

164. Concerning the meningitis epidemic, a total of 3,506 cases and 232 deaths were recorded in 2018. The Neiseria Meningitidis C was the main germ involved. The epidemic affected the regions of Niamey, Maradi, Dosso, Tahoua and Tillabéry; the region of Zinder was affected at the end of the year when 73,000 doses of a vaccine (ICG) were administered in two villages in the health districts of Mirriah and Magaria at a cost of FCFA 104,388,996. A total of 601,725 people were vaccinated in all the health areas concerned.

165. Concerning the measles epidemic, a total of 1,500 cases and 7 deaths were recorded in 2018. A vaccination response campaign which was carried out ensured that 209,000 people were vaccinated. Several activities carried out by the State and its Technical and Financial Partners have halted these epidemics.

166. With regard to the prevention, treatment and control of epidemic diseases, note should be taken of the continuation of campaigns to screen people, distribute medicines and to treat the various diseases. Mass screening campaigns for non-transmissible diseases (high blood pressure, diabetes, sickle cell disease and cancers) were carried out in all the regions; two (2) campaigns for fistula surgery were carried out at the Mother-and-Child Centres. Operational strategies in areas which have not yet been
covered (high blood pressure, diabetes, sickle cell disease and cancers) are being developed with the organization of sensitization missions in the eight regions of Niger.

iii) The national plans and policies adopted and implemented by the State in response to the requirements spelt out under Paragraphs 67 (6) to (18)2, particularly the plans aimed at ensuring access by all to adequate medical care and treatment in the event of sickness or accident. This includes the proximity of the individual to affordable and quality health services.

167. Currently, public sector service delivery is being ensured by a network of health care facilities structured into three hierarchical levels:
- at the operational level, health delivery relies on 72 health districts with 1,063 Integrated Health Centres (IHCs), 94 of which are run by doctors and 2,401 health huts. First referral health care is ensured by 33 District Hospitals (DHs), 27 of which have functional operating blocks. Note should be taken of the impending opening of five new District Hospitals which have been provided with operating blocks;
- at the regional level, second referral health care is ensured by seven (7) Regional Hospitals (RHs), seven (7) Mother-and-Child Health Centres (MCHCs) and five (5) Regional Blood Transfusion Centres (RBTCs), and
- the central level has five (5) national hospitals, one (1) national maternity referral facility and ten (10) national referral centres.

168. Pre-hospital care in case of accidents and other health emergencies as well as the medically assisted transportation of patients are ensured by the Emergency Medical Assistance Service (SAMU). From 2016 to 2018, the SAMU carried out more than 2,500 trips during which 2,797 patients were assisted.

169. In addition to the public facilities, health care is also provided by public health establishments under other public agencies (e.g. Army health services and the health centres of the CNSS); There are also a total of 348 private establishments, including 52 clinics and polyclinics, 71 medical practices, 41 doctor’s offices, 179 treatment rooms, 2 not-for-profit private hospitals (SOMAIR and COMINAK), two (2) private specialist orthopaedic and ophthalmological trauma centres and one private faith-based hospital.

170. The State is also working to implement other strategies to ensure access to affordable and quality health care services by all. This deals with (i) the conversion of the CSs into CSIs; (ii) the continuation of free health care for children under five, people with disabilities and women who have undergone caesarean section; (iii) posting of doctors to the rural areas; (iv) strengthening of community-based strategies, and (v) strengthening of the implementation of certain health care services as advanced, mobile and open strategies.

171. According to the results of the annual sectoral review, the slight increase in health infrastructure which rose from 48.33% in 2016 to 50% in 2018 has not had a significant impact on health coverage.

172. Half of the population of Niger continues to travel more than 5 kilometres to access basic health care services. The issue of equity of access to health care between the urban and rural areas is still crucial.

iv) Legislative and other measures taken to ensure that any form of privatization of the health sector does not threaten the availability, accessibility, acceptability and quality of the health products and services facilities.

173. Measures taken in this area concern:
- strengthening of the regulatory framework for the exercise of the medical and para-medical
professions through a review of the laws (see responses to recommendation XVIII).

- strengthening of the monitoring and inspection of public and private health care and pharmaceutical establishments through the conduct of several unannounced monitoring and supervision missions of the Ministry of Health, several inspection missions of the public and private health care and pharmaceutical establishments by the service inspectors; this led to the closure of 14 private health facilities and the issuance of warning to 22 others.

v) **Legislative and other measures taken to protect individuals and people from environmental, industrial and occupational risks, prevent air, land and water pollution, mitigate the adverse effects of urban development, industrialization and climate warming and to ensure food security.**

174. With regard to the obligation of mining companies to protect the environment, Article 99 of the Mining Act stipulates that mining and quarry operations are considered as trading activities. They should be carried out in such a manner as to ensure the rational exploitation of national resources and the protection of the environment in accordance with the prevailing laws and regulations. To this end, companies should carry out their work by using techniques approved by the mining industry and take the necessary measures to preserve the environment, treat waste and preserve forest and water resources. Holders of prospecting permits, operating permits, small-scale operating authorization or an authorization to open or operate a quarry are required to forward a periodic annual general safety report to the mining administration. Furthermore, the authorities cannot approve or authorize the above-mentioned activities and work without an environmental impact assessment which will enable them to determine their consequences on the environment.

175. According to Article 27 of the standard mining convention (environmental protection and rehabilitation of exploited sites), the exploitation of any new deposit is subject to a prior Environmental Impact Assessment in accordance with the prevailing environmental law. This Environmental Impact Assessment is an integral part of the Feasibility Study. The mine operator and Mining Company commit to take the necessary mine operating measures to protect the environment. This concerns the following main areas:

- protection of natural spaces;
- preservation of the health and safety of the neighbouring population, and more generally public health;
- preservation of the natural local flora and fauna, and
- protection of known natural resources.

176. The measures should be in conformity with the requirements stipulated by the relevant laws on the environment or, failing that, they should be deemed to be acceptable with regard to the practices ordinarily upheld by the mining industry. The commitments made by the mining operator and the mining company concern the following points in particular:

- carry out mining operations in conformity with the Mining Regulations and ordinarily upheld practices;
- periodically monitor throughout the duration of the Mining Operations the quality of water, land and air in the Perimeter and its immediate environs;
- ensure the organized management of the land and rocks in such a manner as would ensure the stability of the land concerned and would at the same time ensure the avoidance of adverse consequences on the drainage system and the quality of surface water with regard to sedimentation, creation of unsafe volumes of water or protection from erosion;
- monitor any discharge of solutions which can contain soil, air or fresh water polluting substances as a result of their origin;
manage stretches of water to avoid pollution outside the Perimeter as well as during and after the period of the Mining Operation;

- manage in an efficient and controlled manner all industrial waste generated by the Mining Operations in the dedicated zones proposed by the company and authorized by the public institution responsible for the protection of the environment in order to avoid dispersion into the natural environment;

- rehabilitate sites whenever possible and at the end of the mining operations. This rehabilitation involves the securing of the areas affected by the mining operations and their topographical improvement to suit the local climatic conditions in order to limit the effects of possible natural degradation to the barest minimum;

- put in place a surveillance system which will ensure the monitoring of the implementation and effectiveness of measures in conformity with the prevailing law on the environment dealing with the limitation of the residual impacts of the redeveloped sites and the evolution of the sites, and

- comply with a probation surveillance period of five (5) years after the end of the mining operations. However, the institution in charge may decide to reduce or lift the duration of surveillance before the period expires.

177. Responsibility for any damaging effect on the environment, health and safety of the neighbouring populations arising out of the non-compliance with regulations on the part of the mining operator and mining company will be borne by them. With regard to the obligation to restore the environment at the end of the mining operation, the mining convention highlights the fact that sites should be rehabilitated as and when that is possible and at the end of the mining operations. This rehabilitation involves the securing of the areas affected by the mining operations and their topographical improvement to suit the local climatic conditions in order to limit the effects of possible natural degradation to the barest minimum. Therefore, it should be noted that Article 75 of the mining code provides that the bearer of an authorization to open or exploit a quarry on a permanent basis may revoke same at any time subject to the service of a month notice. However, the bearer of the authorization will still be liable to pay outstanding duties and taxes until the date of renunciation and to discharge his obligations with regard to the environment and the rehabilitation of exploited sites even after the renunciation takes effect.

178. With regard to the chemical processing of gold ore and the use of cyanide, there are cases of the discharge of liquid effluents caused by various chemical attacks. These processes are essentially based on cyanidation (during the reprocessing of ore) and the use of other very toxic chemical products like cyanide and mercury. The consequences of these processing processes are poor air quality caused by the emission of sulphur dioxide into the air and quite a significant seepage of cyanide into the settling basins which will definitely harm the environment and human health. However, Article 31 of Framework Law 98-56 of 1998 on the management of the environment is very explicit on this matter: "Development activities, projects and programmes which, as a result of huge dimension or serious incidence on the natural and human environments, may harm the said natural and human environments shall be subject to prior authorization by the Minister of the Environment. The issuance of this authorization shall be based on an assessment of the consequences of the activities, project or programme updated by an environmental impact assessment prepared by the developer and approved by the Minister of the Environment."

179. On the specific case of gold panning, this environmental impact assessment is a simplified document prepared by each bearer of a gold exploitation or processing authorization. Its objective is to analyse the environmental impacts linked to the process of the chemical processing of gold (mercury
and cyanide) on both the biophysical environment and the human environment. Plainly put, the environmental impact assessment is a reference document for the State to ensure a better assessment and control of the said impacts without affecting local wealth creation.

180. Chemicals are among the dangerous products which, as a result of the risks associated with them, are distributed into 12 categories in conformity with Article 3 of Decree No. 70-98 MTP/T/MU of 27 March 1970 on the land transportation and handling of dangerous or infected matter. In accordance with Article 5 of the above-mentioned Decree, the transportation of the substances under Article 3 is subject to the prior authorization of the head of department of mines, without prejudice to authorizations provided for by other regulations, particularly the transport code and the Highway Code. According to the provisions of Article 29 of Decree No. 2006-265/PRN/MME of 18 August 2006 on the modalities for the application of the Mining Act, every company is required to conduct an environmental impact assessment before obtaining its exploitation permit. The assessment will take the chemicals to be used in the processing of ore into consideration by highlighting the impacts as well as the attenuating measures associated with the use of these products.

181. The regulations define the storage of this type of waste through Articles 7 and 8 of Order No. 000139/MME/DEMPEC of 6 October 2010. This order enacts the technical prescriptions for facilities processing gold panning waste through the use of chemicals in application of Article 45 of Decree No. 265-2006/PRN/MME of 18 August 2006 on the modalities for the application of the Mining Act which provides for the following:
  - a cyanide management plan which should include measures to minimize the use of cyanide and cyanide concentrates in the residue from the ore processing plant;
  - cyanide management preventive measures to minimize the risks of contamination or seepages into the environment (surface water and underground water) during dike breaches, piping, etc.;
  - a piping and works surveillance and inspection programme, and
  - implementation of a programme to protect birds and all animal life which could be affected by open air cyanide solutions.

182. Devices should be installed to avoid any type of soil contamination by cyanide solutions. However, Article 70 of the environmental code in particular provides that “harmful and dangerous chemical substances which, as a result of their toxicity, radioactivity or concentration in the biological chains, present or are likely to present a danger to man, the fauna, flora and the environment in general, where they are produced, imported into the national territory or evacuated in the environment, shall be subject to the control and surveillance of the relevant technical departments in collaboration with the Ministry of the Environment.”

183. In the area of surveillance by the Administration, Article 122 of Heading IX of the Mining Act provides that the engineers and sworn officials of the department of mines are tasked with the administrative and technical surveillance of works relating to the prospecting for and exploitation of mineral substances and their dependencies. They contribute to the monitoring of the application of the labour law and regulations in the companies covered by this Ordinance. In that regard, they have the powers delegated to the labour inspectors and jointly with them by the Labour Code. They ensure that mineral substances are exploited in accordance with the law and that they generally ensure:
• the administrative, technical, economic and social monitoring of the activities under this
  Ordinance and laws passed to ensure its application;
• inspection of work in the mines and their ancillary facilities;
• preparation, keeping and dissemination of general documentation on mineral substances, and
• keeping of mining titles; to this effect, they keep registers and maps which are determined by
  the mining regulations; registers and maps are public documents and should be presented to
  anyone who requests for them to prove its identity.

184. Article 130 of the Mining Act provides that mining offences are assessed by officers of the
Criminal Investigation Department, sworn officials of the department of mines and all other agents
commissioned to this effect in accordance with the provisions of the Civil Procedure Code. The
prepared report will be valid until proven otherwise.

vi) Legislative and other measures taken to ensure that the right of persons not to be subjected to
medical or scientific tests without their free and informed consent is respected.

185. In order to strengthen the research framework, an advisory body called the Ethics Committee for
Scientific Research was set up on 1 December 2016 per Decree No. 2016-644/PRN/MSP. The mission
of this body is to carry out an independent, competent and diligent study of the ethical aspects of health
research involving human beings, give advice on the ethical issues and problems in the area of health
and to promote awareness of the ethical rules on health research.

186. From 2017 to 2018, out of the 83 research protocols considered by the Committee, 79 were
validated, while four were rejected.

vii) Legislative and other measures taken to ensure the recognition, acceptance, development,
effectiveness, modernization and integration of traditional medicine into the public health care
system.

187. Several strategies have been provided for by the 2017-2021 PDS to ensure the development and
integration of traditional medicine into the public health care system. For the supervision of the
organization of the traditional medicine sector, more than 100 traditional practitioners received
capacity strengthening training, while a consultation framework between the MSP and the associations
of Traditional Practitioners of Niger was also put in place. Note should also be taken of the holding of
sensitization meetings on the code of ethics of traditional practitioners.

viii) State the legislative and other measures taken to ensure that the obligations provided under
Paragraphs 67 (24) to (37) of the following Principles and Guidelines 3 on the rights of vulnerable
and marginalized persons in particular are respected:

   a) specific measures to encourage members of vulnerable and disadvantaged groups to study
   medicine and public health, and to join the health systems as service providers :

188. There has been no change in this regard since the last report was submitted.

   b) Legislative and other measures, including punitive, social mobilization, information and
   educational measures, to discourage harmful traditional practices, particularly female genital
   mutilation, which hinder the right to health;

189. These measures have been developed in Paragraphs 280 and 281 below.

   c) Measures aimed at ensuring the availability of specific health services for persons suffering
   from psychological, intellectual and physical disabilities, like early diagnosis and access to health
   care and humane and dignified treatment, to enable them to enjoy life fully.

190. The main activities carried out in the area of mental health are as follows:
   - increase in mental health coverage in 39 out of 72 health districts;
- strengthening of the mental health institutional and legal framework which is characterized by the formulation of a strategic national mental health plan covering the period 2017-2021;
- institution and actual setting up of the National Mental Health Committee in 2019;
- establishment of regional mental health coordination units in all the regions;
- mainstreaming of mental health into the general health care system at all levels of the health delivery pyramid;
- strengthening of care for the mentally and neurologically ill at all levels;
- reduction of the stigmatization of and discrimination against the mentally ill through Communication for Behavioural Change, and
- training of 649 non-specialist agents in mental health care.

191. A private school called “Pélican” has specialized in the supervision of mentally and intellectually deficient children.

ix) **Special measures taken to protect the rights of individuals suffering from or otherwise affected by epidemic, endemic, occupational or other ailments, particularly malaria, HIV/AIDS, tuberculosis, neglected tropical diseases and other infectious diseases.**

192. With regard to the strides made in the area of the fight against malaria, a review of the performance of the National Anti-Malaria Programme shows that, in conformity with the international commitments made by the country, the implementation of the 2006-2010 strategic plan has ensured an improvement in the insecticide-treated net coverage in the country, access to basic diagnostic resources and handling of malaria cases.

193. Thus, for the prevention of malaria, more than 3,000,000 mosquito nets were distributed free of charge to the people; this ensured that 78% of the population had mosquito nets. The rate of the use of mosquito nets among children under five increased from 5% in 2000 to 56% in 2010, and from 8 % in 2000 to 51% in 2010 among pregnant women. The proportion of children who were properly taken care of within 24 hours increased from 25% in 2000 to 68% 2010.

194. Over the last three years, the health statistics show a significant decline in the incidence of malaria among the general population and among children under five in particular.

195. The incidence of malaria decreased from 473 cases for every 1,000 inhabitants to 257 for every 1,000 inhabitants between 2016 and 2018. The hospital fatality rate for malaria decreased from 2.03% in 2016 to 1.89% in 2018.

196. These efforts are borne from the numerous efforts made by the Government and its partners in the fight against malaria. For example, 14,531,787 long lasting insecticide-treated nets (LLINs) were distributed free of charge during a mass campaign and routine exercises between 2011 and 2019.

197. Since 2016, more than 4 million children aged between 3 and 59 months have been receiving treatment every year under the Seasonal Malaria Chemo Prevention (SMC) Programme.

198. More than 10,000,000 Rapid Diagnosis Tests (RDTs) for malaria were procured between 2011 and 2019 were carried out; this includes 5,149,981 in 2019. Consequently, 100% of suspected malaria cases are receiving biological diagnosis, a situation which ensures an improvement in the provision of care and the rational management of medicines.

199. More than 36,387,229 malaria treatment doses were procured between 2011 and 2019 for the management of malaria cases. More than 9,000,000 doses of Sulfadoxine Pyrimethamine (SP) were procured for the prevention of malaria among pregnant women.
200. Currently, the National Anti-Malaria Programme (PNLP) is implementing the 2017-2021 National Strategic Plan which aims at reducing the mortality and malaria incidence rates by at least 40% by 2021.

201. Current health resources allocated to the fight against malaria was estimated at FCFA 74.22 billion in 2017, i.e. 20.29% of current health expenditure against FCFA 65.861 billion in 2016. Compared to current resource allocation to infectious and parasitic diseases which was about 191.271 billion, expenditure for the fight against malaria accounted for 38.88% in 2017.

202. In spite of all the efforts made, particularly the distribution of mosquito nets (free distribution campaign, reduction in the price of mosquito nets on the market, distribution of kits to pregnant women...), Seasonal Malaria Chemo Prevention, Intermittent Preventive Treatment and the handling of cases which ensured a reduction in the fatality rate, malaria is still a priority health problem.

203. According to the 2018 WHO report, the reported tuberculosis incidence rate in Niger was 90 cases for every 100,000 inhabitants, including 7,300 cases among women and 12,000 cases among men. It varies from age group to age group – 2,200 for 0 to 14 years and 17,000 for those above 14 years old.

204. The therapy success rate was 81% in 2017 for incidental cases and 66% for already treated cases. The relatively good performance of the therapy success rate is explained by the availability of medicines, reagents and laboratory consumables, free diagnosis and treatment, regular quarterly supply based on the anti-TB medicine needs reported by the Screening and Treatment Centres (STCs) and the continuation of the supply of Genexpert devices to the regions to ensure the decentralization of handling for this form of tuberculosis.

205. Furthermore, 12 new screening and treatment centres were set up, thereby increasing the number from 87 in 2011 to 199 in 2015, i.e. average of 1 STC for 92,973 inhabitants; this is in conformity with the WHO standard (1 STC/100,000 inhabitants).

206. Current expenditure allocated to the fight against tuberculosis was estimated at FCFA 3.559 billion, i.e. 0.94% of current health expenditure against FCFA 842.350 million in 2016.

207. As part of the fight against Neglected Tropical Diseases, non-communicable diseases and other infectious diseases, note should be taken of the organization of National Days for the Distribution of Micro-Nutrients (JNM) and medicines against bilharzia and soil-transmitted helminths.

208. The following outcomes were recorded:
   - 2,787,638 persons aged between 5 and 15 are much more treated for Bilharzia and intestinal worms, i.e. 90.03% coverage;
   - 471,786 children aged between 6 and 59 months received treatment against Trachoma, i.e. 76.71% coverage;
   - 68,971 children under six months old received treatment against Trachoma, i.e. 100% coverage;
   - 10,235 cases of trichiasis were operated, and
   - 120 cases of hydrocele were operated.

209. In the area of the fight against HIV/AIDS, it is observed that the number of patients undergoing ARV treatment increased from 12,071 in 2013 to 18,365 in 2018; the rate of mother-to-child HIV transmission reduced from 23.74% to 10.6% (2016 – 2017); the strategy to delegate tasks for ARV
prescription was adopted and implemented, and the budget appropriation for the purchase of ARVs was increased.

210. In addition to being distributed in the eight regions of the country, the number of prescriber sites for the care of persons living with HIV which was 11 in 2011 increased to 68 in 2015. In 2018, the proportion of persons under ARV treatment reached 54.78% of infected persons.

211. Current health expenditure allocated to the fight against HIV/AIDS was estimated at FCFA 3.158 billion in 2017, i.e. 0.86% of current health expenditure against FCFA 1.036 billion, i.e. 0.37% in 2016.

x) Measures taken to ensure sexual and reproductive health, in conformity with the obligation of the Government stated in Paragraphs 67 (64) to (70) of Principles and Guidelines 4. Special emphasis is placed on the statistics illustrating efforts made to reduce the maternal mortality rate, stillbirth rate as well as the infant and child mortality rates.

212. According the data of the latest ENISED survey, the mortality rates are presented as follows:
   - infant mortality - 51.3‰
   - child mortality - 78.7‰
   - infant and child mortality - 126‰
   - maternal mortality - 520 for every 100,000 births;

213. With regard to the levels of coverage of interventions which impact heavily on maternal mortality, note is taken of the following:
   - increase in the rate of assisted births from 37% to 39% in 2018;
   - increase in the rate of the use of modern contraceptives from 27% to 32.31% in 2018, and
   - reduction in the mother-to-child HIV transmission rate from 23.74% to 10.6% (2016 – 2017).

214. The following activities are among the actions which contributed to this position:
   - continuation of the implementation of the free health care policy and certain national initiatives (solidarity fund, evacuation fund, school for husbands, etc.);
   - implementation of the roadmap to fast-track the reduction in maternal and neo-natal mortality:
   - acquisition of new health and reproduction infrastructure;
   - increase in human resources, particularly the number of midwives;
   - repositioning of FP in Niger;
   - intensification of the fight against the various forms of malnutrition;
   - implementation of the routine Extended Programme on Immunization (EPI) and the vaccination campaigns (reduction of measles-related morbidity by 99% and measles-related mortality by 97 %);
   - promotion of health huts;
   - vitamin A and insecticide-treated mosquito net distribution campaigns;
   - adoption and implementation of the national community participation strategy, and
   - strengthening of community level interventions.

D. Right to Education: Article 17

215. It should be recalled that the right to education is established by the Constitution of 25 November 2010. Article 12 of same states that “Everyone shall have the right to life, health, physical and moral integrity, health and adequate food, potable water, education and learning under the conditions defined by law...”.

216. Article 23 also states that “Parents shall have the right and duty to bring up, educate and protect their children. Descendants shall have the right and duty to assist and help ascendants. Both lines shall be binding on the State and other public authorities in the discharge of this duty. The State and
other public authorities shall, through their public policies and actions, ensure the promotion of and access to public, free and quality education.”

217. Article 2 of Law No. 98-12 of 1 June 1998 on the Orientation of the Educational System in Niger (LOSEN) states that “education shall be a right for every Nigerien citizen. The State shall guarantee education for children aged between four (4) and eighteen (18) years old.” Article 8 states that “The right to education shall be enjoyed by all, irrespective of age, sex or social, racial, ethnic or religious origin.”

218. As part of the introduction of operational plans, programmes, policies and strategies capable of eradicating illiteracy and poverty among women, it should be noted that the National Literacy and Non-Formal Education Policy (PN/AENF) which was adopted in 2015 underwent an evaluation process in 2018. In Niger, only 17% of girls and women aged between 15 and 24 years old can read and write. In addition to highlighting the weaknesses, this evaluation also brings up opportunities and recommendations to be used to ensure a better handling of the illiterate population aged 15 and more, particularly girls and boys aged between 9 and 14 years old.

219. The formulation of the illiteracy eradication programme in 2015 coupled with three triennial action plans, the adoption of the first triennial plan and the national AENF policy led to the formulation of an AENF roadmap in 2016. The main objective of this roadmap is to ensure the implementation of far-reaching programmes to increase the literacy rate of the population aged 15 and above as well as enrol the maximum number of young school dropouts and those who have not been to school and are in the 9-14 year age bracket.

220. The literacy rate, which was 19.1% in 2015 – 27.3% for men and 11% for women – increased significantly to 28.7% in 2018.

221. Thus, in accordance with the new curriculum, a programme of study for adult literacy and training was adopted in the last three years. Several programmes and projects have been implemented by the State and its partners through various initiatives. These activities ensured that a significant number of adults and youth were reached (men and women as well as girls and boys).

222. The implementation of a specific programme for the functional literacy of women continued with the inclusion of basic literacy and numeracy instrumental learning, citizenship education and life skills into the training contents. A very important aspect of this programme is the training of neo-literate women in participative management and support for their engagement in Income Generating Activities (IGAs).

223. Concerning the non-formal education of the youth aged between 9 and 14 years old, it should be emphasized that programmes are being implemented to rehabilitate the youth in order to enrol them in general or vocational institutions or to engage them in active life.

224. In order to ensure that the activities are better defined, several documents have been prepared and validated. These include the following: a reference framework for the implementation of literacy programmes, enactments on the status of community management stakeholders and training facilities. Similarly, nine (9) AENF consultation frameworks with one at the national level and eight (8) at the regional level have been put in place to improve the coordination of all AENF interventions. These structures which bring together all stakeholders, namely representatives of government departments, Civil Society and local authorities, are under the authority of the chairpersons of the regional councils. Their main objective is to create interaction frameworks which should involve all stakeholders in the field. This activity was supported by the training of a few members of the frameworks in the planning and compilation of basic factors for the development of the AENF mapping system.
Concerning the continuous training of stakeholders, the Literacy and Non-Formal Education Training Institute (IFAENF) has deployed 14 modules in the various administrative and educational areas.

Several activities have been undertaken to strengthen sensitization campaigns on the rights of women and girls for all stakeholders, particularly religious leaders and traditional chiefs, in order to fast-track the change in the mentality of the people.

Thus, as a result of the numerous advocacy activities carried out by the government, the TFPs, traditional chiefs, religious leaders and Civil Society were encouraged to sign a “commitment” letter in 2016 in which all these stakeholders committed to make girl child education their priority. Since that historic moment, the government has continued its sensitization activities every year by holding regular round table consultations in all the regions and departments to further convince local stakeholders, particularly religious leaders and traditional chiefs, of the importance of girl child education and to ensure that they play an active role in fast-tracking the change in the mentality of the people.

Several factors explain the low rate of girl child education. These particularly include dropping out as a result of the vulnerability of households, excessive domestic chores, long distance to school or even inadequate number of foster homes.

Several activities have been carried out to resolve the issue of the relative enrolment disparities between girls and boys in the rural areas in particular. However, in spite of the tremendous efforts made by the government in this regard, the disparities between boys and girls persist. Yet, when two particular indicators are taken into account, it is observed that significant progress has been made – the gross enrolment ratio (GER) and the primary completion ratio (PCR). The GER of girls increased from 64.7% in 2013 to 72.1% in 2017-2018, while their PCR increased from 44.3% in 2013 to 72.9% in 2017-2018. These are very encouraging results for the country.

This rate has continued to improve since the passage of Decree No. 2017-935/PRN/MEP of 5 December 2017 on the support, protection and assistance of the girl child at school and its enforcement order signed on 4 February 2019. This decisive step taken by Niger will enable it to implement other measures to promote girl child education.

The Government intends to open community accommodation centres in the rural areas (boarding houses) in 2020 in order to ensure that girls whose parents cannot find foster homes are kept in school. A national girl child education and training strategy is being finalized.

Concerning the administrative measures taken to ensure that all children enjoy their right to free and compulsory primary education, note should be taken of the firm desire of the President of the Republic to ensure free and compulsory education up to the age of 16 years. Therefore, several measures have been taken in this regard – mention can be made of the scrapping of school fees in public primary and secondary schools which was in fact the subject of several reminders to officials responsible for education particularly sent in the form of a departmental circular; the purchase of supplies every year to the tune of an average of 3 billion CFA Francs for primary school pupils and the purchase by the State of various school textbooks. All these measures go to save families the cost they would have incurred and, therefore, motivate them to send their children to school. Furthermore, from 2011 to 2017, definite provision was made for the construction of nearly 15,000 classrooms (9,000 completed and 6,000 at various stages of completion). A significant number of contract teachers have been engaged (64,000 in 2017, for example).
233. To meet these ever-increasing needs which have been created by a strong population growth, the State has for the first time allocated 20% of its 2019 budget to the educational sector, in spite of the very difficult security situation. The Government has pledged to increase this allocation to 25% by 2021.

E. Right to Culture : Article 17

234. In accordance with Article 5 of Ordinance 2009-24 of 3 November 2009 on the framework law on culture, “every individual has a right to freely participate in the cultural life of the community and to enjoy the arts and participate in the scientific, technical advancement and in the resulting benefits. In order to ensure the full realization of this right, the government must:

- ensure the maintenance, development and dissemination of science and culture;
- protect the freedom necessary for scientific research and creative activities”.

235. Articles 6 and 7 of the same framework law essentially provide that the State must develop an enabling environment for innovation and cultural development by ensuring freedom of expression for all citizens, particularly the cultural stakeholders and support cultural development by introducing tax incentives at the legislative and administrative levels with a focus on promoters of initiatives, associations, civil society organizations and the private sector. Capacity building earmarked for the cultural sectors and stakeholders will be sought mainly through:

- Organizing continuing education, long-term education, specialized training schemes, seminars, conferences, training and refresher courses;
- Developing and equipping with cultural infrastructure;
- Promoting and establishing institutions and cultural development structures.

236. Lawful use of national languages and oral traditions takes into account the imperatives of national cohesion, technological advancement as well as regional and African integration. Linguistic policy gives special attention to the promotion of multilingualism and fosters national linguistic unity. It also helps to recognize one or several national languages as official languages and to place them at the center-stage of economic and social development. Finally, it aims at encouraging the use of national languages as media of instruction at all levels. The State contributes to the development and promotion of related national languages and oral traditions, especially through the production and publication of literary, scientific and educational works and other documents (including sound, audio-visual and multimedia materials) in order to promote their practice, mastery and dissemination. The study, the transcription and teaching of national languages must be incorporated into the curricula at all levels of the school system.

237. The cultural heritage bequeathed to Nigeriens by their ancestors is an asset for peace-building and social cohesion which are a necessary prerequisite for a profound and actual development. The Nigerian culture is a totality that makes it identifiable on the basis of its oneness as compared to that of other nations, but its diversity is a wealth that must be harnessed. The media also have a responsibility to work towards the promotion of the Nigerien culture, to the extent that the CSC has adopted Deliberation No. 019/CSC of 15 April, 2019 specifying the modalities for the promotion of Nigerien arts and culture by the State-owned and private media.

238. It is also important to take note of the various Conventions of the United Nations Educational, Scientific and Cultural Organization, particularly the World Heritage Convention (1972), the Convention on Intangible Cultural Heritage (2003), the Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005) and the UNESCO recommendations contained in the World Culture Report which stipulate that access to culture is a fundamental right and that every
individual has a right to the recognition of his culture, his identity on condition that he respects that of others.

239. The Nigerien cultural policy meets the challenge of going farther still with the limited human and financial resources and consolidating the role of heritage in all aspects of our national life and the potential prospects it holds for our development strategy. This challenge concerns all stakeholders and not only the Ministry of Culture but also all stakeholders and all our partners: individuals, associations, business leaders and investors, the private sector and government agencies.

F. Right to Shelter: Article 16

240. In Niger, the right to shelter is a worrisome issue for the authorities due to its vital importance; it is a decisive right for the economic and social development of the country. For this reason and from the semantic point of view, the notion of shelter as initially established, has been replaced by that of shelter in the broadest possible sense. The legal framework and institutional organization for the effective implementation of the housing policy have ensued.

241. Indeed, Law No.2018-28 of 27 August 2018, laying down the fundamental principles for construction and housing was enacted after the change of name of the relevant Ministry pursuant to Decree No. 2018-255/PRN of 12 April 2018. Furthermore, it must be noted that substantial financial resources have been allocated. As a result, the new Ministry of Lands, Urban Development and Housing was vested with the key mandate to design and implement the national housing policy with a fundamental strategy of establishing an Annual Performance Plan which will be an annual advocacy, steering and information document aimed at outlining the performance plan with the financial resources.

242. Its objective is to ensure social modernization by improving the conditions and livelihoods of the population through better access to decent and secure housing provided with all the basic social amenities and more importantly by providing low-cost housing and a decent livelihood to as many Nigerien nationals as possible.

243. The Annual Performance Plan is sub-divided into programmes and the 2020 one is sub-divided into four (4), namely, steering and administration of the ministry’s policy, improving livelihoods, modernizing the cadaster and coverage of the territorial mapping.

244. Niger has taken a major step towards addressing the housing problem with the establishment of a bank for housing which was inaugurated on 14 December 2018 by the President of the Republic. The new establishment has been provided with a capital of 10 billion CFA francs and its key mission is to finance real estate development, the production and improvement of social housing schemes in the country. The bank also makes available to businesses and individuals a range of innovative products and services. Its mandate is to ensure coverage of as many middle-class beneficiaries as possible in the country by providing access to decent houses at relatively moderate prices for the active population.

245. A partnership agreement between the Government represented by the Ministry of Lands, Urban Development and Housing and two private entities, Africa Tech and Global Gate, was signed in May 2019 for the construction of social housing units in the capital Niamey for the middle class employees among the population. According to the specifications, the two real estate developers are expected to build 550 housing units at a cost of 5.3 billion CFA francs covering a work implementation period of 30 months and 1 000 housing units for a total amount of about 12.2 billion CFA francs within a delivery timeframe of 24 months.
246. It must be recalled that this project seeks to narrow a part of the housing deficit recorded every year across the country. According to the statistics provided by the National Statistical Institute (INS), the annual demand for housing units is 5,000 in Niamey and 40,000 across the national territory. But the buildings are estimated to be a little more than 4,000 in the capital and close to 12,000 all over the country.

247. Africa Tech and Global Gate are to support many other promoters as a means of assisting the Government in the commitment it made in July 2016 to provide the country with 25,000 housing units as part of the improvement of livelihoods among Nigeriens. The overall cost of this operation is estimated at 320 billion CFA francs with a government counterpart contribution of 44 billion CFA francs.

248. Through its social housing units policy, the Government seeks to bring down the proportion of the population living in indecent or poor housing facilities from 28.8% in 2012 to 20% in 2021.

G. Right to Social Security: Article 16

249. The following achievements recorded are an additional information to the last report and they include, among others:

- The establishment of an Inter-Ministerial Social Protection Coordination Committee (CICPS) and a Technical Stakeholders Implementation Committee of the National Social Protection Policy (CT/ PNPS). Niger has initiated the process of reviewing and assessing the PNPS;

- The review of the enactments regulating social security aims at adapting them to the current context, facilitating their implementation and consolidating them to form a Code. The Committee has already been established and the Consultant recruited with the support of the ILO. The objective is to review the legislative and regulatory texts governing the National Social Security Fund (CNSS). To achieve this, an inventory of all the legislative and regulatory texts will be carried in order to update the legal framework regulating this institution and adapt them to the current Nigerien context. In this regard, a seminar on dialogue was organized by the Government in July 2018 on the establishment of a national social protection fund and the first national forum on retirement was held in September 2018;

- The establishment of a Nigerien Social Protection Agency (ANMS) by Decree No. 2015-474/PRN/MET/SS of 4 September 2015 which resulted in the strengthening of social protection among workers by increasing the medical coverage. The Strategic Mutual Health Development Plan aims at contributing to the reduction of maternal, infant and child mortality through alternative financing mechanisms and community participation in healthcare. The overall objective is to improve financial access to services and quality healthcare by community-based mutual health organizations and businesses. The specific objectives include: extending mutual health coverage to all the regions of the country, contributing to the improvement of the mutual health environment, strengthening community-based mutual health financing mechanisms, reinforcing the technical capacity of mutual health schemes and deepening dialogue among the various stakeholders involved in the mutual schemes;

- Encouraging the beneficiaries of the National Social Security Fund (CNSS) to turn to insurance companies for the benefit of their employees, especially for businesses which have the necessary resources;

- The study of the total budgetary allocation for the financing of social protection was conducted and a basis for cost assessment of options was established in order to support the thematic working groups. The objective of this cost assessment was to calculate, analyse and
inform the stakeholders engaged in the national dialogue about the cost options prioritized in order to support our country in the decision-making process regarding the social protection scheme. A validation workshop of this study was organised from 28 to 30 June 2016 in Niamey. It brought together all the stakeholders involved in social protection and the preparation of a roadmap is underway;

- The adoption of reforms on social benefits (pensions and family benefits), Decree No. 2013-280/PRN/MFP/T of 24 July 2013 on the scaling up of pensions paid, Decree No. 2009-154/PRN/MFP/T amending the provisions of Decree No. 65-116 of 18 August, 1965 on the determination of the management rules governing the family benefits regime under the National Social Security Fund (CNSS);

- The modernization of services at the CNSS by computerizing the processing of documents in order to do away with the old system at both the central government level and in the regions and to improve working conditions of employees and the quality of service, reduce the risks of errors in the processing of documents and promote improved understanding of the expenses related to services;

- The establishment by some bodies within the administration and by employees of State-owned enterprises, quasi-public and private entities of professional mutual schemes which operate at varying degrees of success. These mutual schemes, in addition to healthcare also develop other benefits such as death benefits, financial support in the event of a disaster, retirement benefits etc. The government is also in the process of establishing a mutual health insurance scheme for civil servants. The legal framework for this mutual scheme has already been designed;

- The establishment by UEMOA of a programme to support the extension of health risk cover, with the financial support of the French Development Agency (AFD), under which the mutual schemes play a more central role. An inventory has been carried out regarding existing social mutual schemes in all the regions with funding provided by UEMOA amounting to 20 million CFA francs. The legal texts on the establishment of a Nigerien Social Mutual Agency have been prepared by the government. The main leaders have been appointed and they are (the Director General, Secretary General, Director of Financial Affairs and Equipment...).

  - The ongoing design of the 2nd phase of the ILO’s Decent Work Country Programme (DWCP), the actions of which are intended to expand social protection based on rights and international working standards that guarantee access to essential healthcare, basic lifelong security and income for every person in need, particularly among vulnerable people. Towards this end, the following actions are in the process of being implemented: the guidelines for the design and implementation of a national social protection floor, the initiation of feasibility studies for the gradual implementation of Universal Health Insurance for the entire population of Niger, the implementation of the new list of occupational health diseases and the establishment of universal healthcare coverage in line with the directives of UEMOA;

- The continuation of discussions with the ILO for the establishment of a National Social Protection Floor;

- The initiation of actions to facilitate the transition from the informal economy to formal economy, particularly by building the capacity of labour inspectors to enable them to effectively discharge their duties in the sector. The activity report of the CNSS for 2017 shows about 70,000 registered informal sector workers.

H. Right to Food, Right to a Satisfactory Standard of Living and Right to Water and Sanitation:

Articles 16, 24

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and adequate food, potable water... under conditions laid down by law”. In order to ensure that all Nigeriens enjoy this right and in accordance with current international guidelines on development, (SDG 2 aimed among others at: eliminating hunger, ensuring food security, improving nutrition and promoting sustainable agriculture), several actions and reforms have been implemented as part of the 3N Initiative adopted by Decree 2012-139/PRN of 18 April 2012, the overall objective of which is to “contribute to the sustainable protection of the Nigerian population from hunger and malnutrition and provide them with conditions for their full participation in national production and improve their incomes”.

251. As a reminder, the 3N Initiative, the translation of a strong political will to ensure the right to food is built on the gains of the Rural Development Strategy ((2003). It falls within the framework of the implementation of the Comprehensive African Agricultural Development Programme (CAADP) and the ECOWAS Common Agricultural Policy (ECOWAP) and the UEMOA Agricultural Policy (PAU).

252. The 2016-2020 implementation phase of the 3N Initiative, “Nigeriens Feeding Nigeriens”, resulted in the adoption of a second action plan for the period 2016-2020 focused on 12 strategic programmes. The implementation of these programmes reinforced the initial results obtained in the preceding phase and consolidated the gains. Thus, concerning:

- Pillar No. 1 in respect of the increase in and diversification of agro-sylvo-pastoral and fisheries production, five (5) programmes were established, namely:
  - i. Mobilization of water for agro-sylvo-pastoral and fisheries production;
  - ii. Promotion of the pastoral water facilities sub-sector;
  - iii. Development of the agricultural value chains and sub-sectors;
  - iv. Development of the livestock value chains and sub-sectors;
  - v. Promotion of the forest non-wood and fisheries products chains.
- On pillar 2 touching on the regular supply of rural and urban markets with agricultural and agri-food products, one (1) programme was established, namely the development of strategic aspects of the value chains and sectors;
- On Pillar 3 regarding the improvement of the resilience of the population in the face of climate change, crises and disasters, four (4) programmes have been established, namely:
  - i. Sustainable management of lands and water resources
  - ii. Management of bio-diversity;
  - iii. Access by the most vulnerable people to minimum income, to basic needs and livelihoods;
  - iv. Anticipation and response to the needs of households affected by crises and disasters.
- On pillar No. 4 concerning the improvement of the nutritional status of Nigeriens, one (1) programme has been established, namely: improvement of the nutritional status of both male and female Nigeriens.
- On Pillar No. 5 concerning the management, coordination of the 3N Initiative and the steering of reforms, one (1) programme has been established, namely:

253. The difficulties that beset the implementation of the 3N Initiative during its initial phase consisted of the imbalance in the financing between the emergency/rehabilitation programmes and the key programmes, with the former funded at over 300% and the latter funded at less than 50%. The actions relating to the improvement of productivity and agricultural incomes through the control of water, the modernization of rainfed farming systems, ensuring the safety of animal production systems, the development of timber and non-timber forest products and sustainable management of lands and ecosystems were under-funded. The 12 strategic programmes adopted in 2016 were aimed at
introducing corrections into the implementation of government priority actions which are: irrigation, environmental management, the agro-sylvo-pastoral value chains and the services provided to producers through “Farmers’ Outfits”.

254. As at 30 September 2019, the results showed that 124 848 hectares of land had been rehabilitated and equipped including 184 000 hectares made available for development, which accounts for 88.73% of the forecasts which stand at 207 360 hectares for 2019. Besides these works, there are approximately 200 equivalents of modern water supply points that have been put in place for pastoral water systems.

255. Concerning the supply of inputs and agricultural materials since 2016, the annual projections for seeds are estimated at 10 000 tonnes, fertilizers at 25 000 tonnes and pesticides at 100 000 litres with the aim of meeting a coverage of almost 8 million hectares of different kinds of crops. By 30 September 2019, the aggregate of all types of seeds planted accounted for over 30 000 tonnes, representing more than 60% of forecasts, while fertilizers stood at 80 000 tonnes over a period of 4 years, representing a little over 30% and 60% for pesticides (300 000 out of the projected 500 000 litres). With regard to tractors, the operation initiated in 2014-2015 is ongoing since 1500 Tractors and 20 000 carts and ploughs have been put up for sale at subsidized prices.

256. The implementation of the “Farmer’s Outfits” has significantly improved the supply system, since this structure has been established in every commune. As at 30 September 2019, the following was the status of the various aspects constituting the structure:

- 174 Community Food Security Stock Warehouses, a completion rate of 68.24%;
- 125 Municipal Agricultural Inputs Supply Depots, with a completion rate of 49.01%;
- 126 Municipal Cattle Feed Supply Depots, with a completion rate of 49.41%;
- 154 Community Radios, with a completion rate of 60.39%;
- 75 Micro-finance institutions, representing a completion rate of 29.41%;
- 183 Trade-related training centers, with a completion rate of 71.76%;
- 20 Agricultural Equipment Hiring and Maintenance Centre, with a completion rate of 7.84%;
- 23 Fenced Administrative Blocks, with a completion rate of 9.01%.

257. With regard to the livestock sector, the vaccinations covered 71% of the cattle out of the projected 80%, and 85% of the small ruminants out of the projected 80% and 28% of the young camels out of the projected 60%. The total number of livestock is 44 million heads.

258. All these cumulated actions address Pillar 1 of the 3N Initiative and they helped to increase the level of production of cereals from 4.5 million tonnes in 2016 to 6 624 685 tonnes in 2019 and those of rainfed cash crops from 3 million tonnes in 2016 to 3 265 118 tonnes in 2019, recording an increase of 10.5% and 4% respectively. The national cereal requirements stood at 5.2 million tonnes in 2019 (on the basis of 250 kg/person per year with a population of 21 million people); representing a surplus of more than 20%.

259. Concerning the Sustainable Management of Lands and Water Resources, the achievements from 2016 to 2019 stand at 272 349 hectares of lands reclaimed (out of the projected area of 1 million hectares), 181 406 hectares of Assisted Natural Regeneration (ANR) out of the projected 350 000, of 41 690 hectares of plantations out of the projected 150 000 and 16.5 million seedlings planted out of the 50 million. This proves that Niger is committed to reversing the trends of land degradation and the phenomenon of erosion. However, the resources for dealing with these issues are limited as a result of the ever increasing effects of climate change. Furthermore, the number of green jobs created is almost 21 000 out of the estimated target of 50 000 over the period 2016-2020.
Concerning preventive actions and management of food crises and disasters, the support plan is the key planning tool used to provide responses in the area of assisting the vulnerable sections of the population based on analyses by the different entities under the National Food Crisis and Food Disaster Prevention and Management Mechanism (DNPGCA). As at 30 September 2019, the achievements centred on planning activities and implementing these activities before the lean season. They consist of the following:

- Formulation and validation of the 2019 Support Plan with a budget of 156 167 814 906 CFA francs. It is broken down into 33 activities and 6 major outcomes;
- Continuation of activities before the lean season: Cash Transfer Pilot Project, Adaptive Social Safety Nets, Reintegration Project of Internally Displaced Persons (IDPs) and Nigerien Returnees from Mali and Côte d’Ivoire, girls’ education project;
- Reconstitution of the National Buffer Stock (SNS) by means of local purchases and open tendering processes;
- Planning and implementation of the Sale of Cereals at Moderate Prices;
- Planning and implementation of Free Distribution of Cereals;
- Support in the form of seedlings and cattle feed supplies.

As part of the institutional purchases over a period of three (3) years, the government has initiated direct purchases from producers. In 2019, the total planned stock, i.e. 17 600 tonnes of cereals was purchased. The other stocks (reconstitution of the national buffer stock and the Strategic Food Reserve) were purchased through open tendering processes. Thus, in 2019, 30 015 tonnes of cereals and 2 500 tonnes of cowpea were distributed in three phases as far as cereals are concerned at a rate of 10 005 for each phase; the cowpea was distributed during the third phase. The number of beneficiaries of the operation for this year stood at 700 350 vulnerable persons, i.e. 100 050 households in 191 communes. This programme was reinforced with the distribution of fortified flour for children between 6 and 23 months among the beneficiary households of the DGC. In this regard, 54 tonnes were distributed to 5 908 children.

The sales programme of cereals at moderate prices which started in March 2019 and was spread over 7 phases involving a total of 71,429 tonnes. The seven (7) phases were carried out on the ground. During the distribution of the 6th and 7th phases, the stocks were regulated by taking into consideration the quantity produced during the crop year and the prices on the local market. Regarding the sale of sugar at moderate prices during the Ramadan season, 2 600 tonnes were mobilized by the OPVN and put on sale in May 2019.

Concerning the support provided in this respect by the Food Crisis Unit, 5 000 tonnes were bought and distributed in the targeted localities that were confronted with shortage of fodder. In view of the late deployment of these stocks, the latter will be used in 2020. Out of the projected 1 000 tonnes of seeds, 890 tonnes were acquired and delivered to the priority localities; the bids for 110 tonnes were unsuccessful; due to the delay, a large proportion of the seeds has been stocked for the next crop season. All these operations benefitted 116 000 households, i.e. a little more than 800 000 persons.

Concerning the handling of the malnutrition aspect up to September 2019, the situation is as follows: 222 437 children from 0 to 5 years suffering from severe acute malnutrition, i.e. 58.5% of
cases expected in 2019 with 25,716 cases of medical complications admitted into internal nutritional recovery centers (CRENI) located in the hospitals, 187,701 children suffering from moderate acute malnutrition, i.e. 37.6% of cases expected in 2019. In 2018 (September 2018), admissions increased by 4% (6,917 additional children) in the CRENAS while they dropped by 14% (4,274 less children) in the CRENI. Niger has deployed lots of efforts in providing care for malnourished children, however the 3.9% population growth rate is undermining these efforts.

265. In the area of implementation of reforms for the period from 2017 to 2019, the following regulatory and administrative measures have been taken:

- Decree No. 2017-666/PRN of 2 August 2017 on the establishment, powers, composition, organization and modalities for the functioning of the strategic policy organ of the Agricultural Council;
- Decree No. 2017-667/PRN of 2 August 2017 on the establishment of the Agricultural Council Promotion Agency (APCA);
- Decree No. 2017-668/PRN of 2 August 2017 on the approval of the statutes of the “Food and Nutrition Security Investment Fund (FISAN)” of Niger;
- Decree No. 2017-669/PRN of 2 August 2017 on the approval of the statutes of the Agricultural Council Promotion Agency (APCA);
- Decree No. 2018-458/PRN/MF of 6 July 2018 relating to warehousing, warehouse receipt and the WARRANT;
- Operationalization of the Local Purchases Strategy from Small-scale Producers (SNALAPP) in 2017;
- Support for small-scale irrigation;
- Establishment of Local Community Producers Services Platform code-named “Farmer’s Outfit”;
- Support for Public Financing Reform and adoption of Programme Budgets and Contribution to Integration of Nutrition into Multi-Annual Expenditure Programming Documents (DPPD) of the relevant Ministries and Supporting Advocacy in the course of budgetary discussions;
- Analysis of the role of nutrition in Sub-sector Strategies and Policies (Agriculture, Water and Sanitation, Social Protection, Education) and strengthening of integration of nutrition in the course of the review of activities relating to the integration of nutrition into nutrition sector specific and friendly programmes;
- Establishment within the INS of a National Information Platform for the development of existing data, surveys and studies in respect of the nutrition sector including centralizing the information and influencing decision-making;
- Budgetary analysis and monitoring of nutrition financing in order to assess if the 15% earmarked in the Plan of Action regarding the PNSN financing commitment in the national budget has been achieved;
- Roadmap for the effective integration and gradual transfer by the government and decentralized governments of costs of care for acute malnutrition.
266. Regarding access to water and improvement of hygiene and sanitation, the Ministry of Hygiene and Sanitation has implemented the following:

- The Water, Hygiene and Sanitation Sector Programme (PROSEHA) for the period 2016-2030, adopted on 9 May 2017;
- The Basic Hygiene and Sanitation Promotion Operational Strategy of Niger (SOPHAB) (2014-2018);
- Commitment 4: Nutrition-Friendly Water, Hygiene and Sanitation” under the PNSN with a set of key actions for the promotion of good hygienic and sanitation practices, particularly the Community-piloted Total Sanitation Approach (ATPC) and access to potable water to improve nutrition.

267. In the area of agrarian reforms, the following are to be noted:

- Convening a general meeting on lands in February 2018;
- On-going design of a national land policy;
- Reforms carried out on the fertilizer supply system in order to increase ASPH production and facilitate private sector participation.

268. Concerning food safety, the area is governed by several regulatory enactments, namely:

- Law No. 2002-028 of 31 December 2002 instituting a National Standardization, Certification and Accreditation System;
- Law No.2004-048 of 30 July, 2004 on the framework law on livestock;
- Regulation No. 07/2007/CM/UEMOA of 6 April 2007 on the health safety of plants, animals and food within the UEMOA region, and
- A new entity code-named the Nigerien Standardization, Metrology and Certification Agency (ANMC) has been established for the AVCN to take on additional activities, the Standardization and Metrology activities having been established by Decree No. 2019-409/PRN/MI of 26 July, 2019.

I. Right to the Protection of the Family: Article 24

269. Article 21 of the Constitution of 25 November 2010 provides that: “Marriage and the family are the natural and moral basis of the human community. They have been placed under the protection of the government. The government and public institutions have the responsibility to ensure the physical and mental health of the family, particularly the mother and the child”.

Measures taken to ensure free consent to marriage

270. The texts governing the right of the family and its consent to marriage have not changed since the submission of the last report. They are subject to two standards, namely the written law (civil code) and customs. The latter essentially has been subject to change over the years. It must however be noted that Law No. 2004-50 of 22 July, 2004 which laid down provisions for areas where the courts applied the customs of the parties has been abrogated and replaced by Law No. 2018-37 of 1st June 2018, setting forth the organization and powers of the courts of the Republic of Niger. The latter prescription does not provide any amendment to the provisions contained in the previous law on the enforcement of customary rules in respect of matters submitted under the circumstances (status and capacity of persons, family, marriage,
divorce, repudiation, kinship, inheritance, gifts, testaments, unregistered estates, the acquisition or transfer of which shall have been established by a proven mechanism laid down law).

271. The government plans to amend the civil code, particularly Article 144 in order to set the marital age at 18 years for girls and boys instead of 18 years for boys and 15 years for girls. It must be emphasized that civil marriage is an option for couples who do not want to submit to the customary marriage rules.

272. In the civil code, respect for the required age and the consent of the would-be couple are basic conditions for the marriage whereas the customary marriage is not subject to a minimum age and the consent of the parents of the would-be couple takes precedence over the couple’s consent. However, even though the principle of the application of the custom is accepted, the law provides that when this is contrary to international conventions, legislative provisions and fundamental rules relating to public order or to freedom of persons, the courts can set aside its enforcement. Thus, any aggrieved party can present his complaints to a competent court of law to seek redress and to have their right respected.

273. In order to protect the girl child attending school from early or forced marriage, Decree No. 2017-935 on protection, support and assistance to the girl child attending school was adopted on 5 December 2017. This regulation which is accompanied by an implementing order is a major step in the fight against the phenomenon where girls drop out of school due to early marriages.

274. The draft Children’s Code is still pending but its Action Plan which was mentioned in the previous report as having been designed to help address the issue of child marriages, has now been promulgated. The projected Strategic Plan Implementation Protection Committees were established by Decree No. 2019-369 /PRN/ MPF/PE of 19 July 2019 on the establishment, powers, organization, composition and functioning of the Child Protection Committees.

III: SPECIFIC RIGHTS

A. Rights of Women: Article 18

275. At the institutional level, the Ministry of Women Affairs and Child Protection is the main government institution in charge of gender promotion. Niger revised and adopted the National Gender Policy on 10 August 2017 to take into account the new challenges such as demographic, environmental and security issues, humanitarian emergencies, migration and climate change concerns.

276. At the socio-economic level, as part of the improvement of the livelihoods of the population, especially concerning women, efforts have been made since the last report, and the following are worth mentioning, among others:

- Continuation of the 3N Initiative “Nigeriens Feeding Nigeriens”, the provision of equipment to reduce domestic chores, the allocation of funds for Income Generating Activities (IGAs);
- Continuation of the implementation of social safety nets;
- Establishment of the Business House towards the facilitation of the establishment of women’s businesses;
- Establishment of 342 multi-functional platforms in seven (7) regions (Diffa, Dosso, Maradi, Tahoua, Tillabéry, Zinder and Niamey) including 102 platforms in 2018. They are equipped with a two-stroke cycle engine which enables it to function with different types
of equipment, either one after the other or simultaneously. It is equipped with (grain mills, huskers, battery chargers, oil pressing machine, crushers, dryers, saws, water pumps with or without overhead water tanks and/or water distribution systems, a mini-electrical network made up of bulbs;

- Implementation of the programme “for an effective protection of young girls” in 20 villages of the department of Tillabéry. This programme provides support for 400 young girls excluded from the school system or who have dropped out of school with the financial backing of an NGO - PLAN NIGER and such productive activities are targeted at market gardening, feeding of livestock, retail trading and sewing.

**277.** At the social level, in order to promote change of mindset and social prejudices among Nigerien young girls and women, progress has also been made and they include, among others:

- Continuation of the implementation of the Female Adolescents Initiative dubbed “ILLIMIN”. Through safe learning spaces, knowledge in life skills, reproductive health and family planning (RH/FP) is imparted to these young teenagers to ensure a responsible fertility management and to also lend support to a favourable community environment by involving the community in the fight against child marriages and early pregnancies;

- As part of the implementation of the Sahel Regional Women’s Empowerment and Demographic Dividend Project (SWEDD), the Future Husbands Clubs have been initiated and the aim is to develop the knowledge and skills of young boys in sexual and reproductive health and positive attitudes on gender relationships in the five (5) regions of Niger, namely Tillabéry, Dosso, Tahoua, Maradi and Zinder. The project has targeted 10 000 young boys (whose ages fall between 15 and 24 years, and who are not yet married or have dropped out of school or are not attending school) by establishing 800 clubs over a period of three (3) years.

**278.** At the legal level, the government is continuing with its efforts, particularly with the passage by the National Assembly of Law No. 2017-22 of 21 August 2017 on the ratification of the Status of the Organization for the Development of Women in the Member States of the Organization of the Islamic Conference (OIC) and the design of the module “Islam, Family Planning and Human Rights”.

**279.** In order to improve women’s representation in decision-making bodies, Niger has launched an upward review of the law on quotas by increasing elective positions from 15% to 25% and appointed positions from 25% to 30%.

**280.** Concerning the fight against gender-based violence, measures have been taken to address the issue, especially by:

- Adopting a National Prevention and Response Strategy to Gender-Based Violence in 2017 including its Five-Year Action Plan 2017-2021 aimed at reducing the prevalence rate of gender-based violence in Niger from 28.4% to 15.4% by 2021; this has contributed to the operationalization of Strategic Pillar 2 of the National Gender Policy (PNG) revised on 10 August 2017: “Strengthening the institutional and legal framework conducive to the effective implementation of the rights of women and young girls and to the fight against gender-based violence and the equal participation of men and women in the management of power;”

- Instituting a new initiative dubbed “Spotlight Initiative” aimed at eliminating all types of violence perpetrated against women and girls in Niger, with a special focus on sexual and sexist violence including harmful practices and their linkage with sexual and reproductive health, with the support of the European Union. For the first phase 2019-2020, the actions will be targeted at the four regions with the highest GBV prevalence rates, namely Maradi, Tahoua, Tillabéry and Zinder;
✓ Adopting a Standard Operating Procedures Manual as part of the humanitarian programme in the Diffa region with the aim of preventing and responding to the gender-based violence formulated in 2017. In 2018, 341 incidents on GBV were reported and recorded with 29% of them being instances of denial of opportunity for resources and service, 16% of sexual violence, 27% of physical assault, 5% of forced marriages and 23% of psychological violence;

✓ Search for effectiveness in the implementation of the law on female genital mutilation and the adoption of measures to eradicate the practice of early and forced marriages, particularly by setting the minimum marital age at 18 years through the introduction of several activities including the review of the civil code, among others;

✓ Continuing with the synergy of actions in the form of awareness raising campaigns and the implementation of community action plans through preaching by religious leaders and intervention by customary leaders on the harmful effects of female genital mutilation (FGM) which reinforced the commitment of the communities to denounce and do away child marriages;

✓ Continued holding of community dialogue with a focus on intergenerational exchanges that motivated men, women and especially young girls to change their behaviour through criticisms, refusals and rejection of the marriages by the victims;

✓ Formulating a national strategic plan for the period 2019-2021 to bring child marriages to an end in Niger;

✓ Continuing the implementation of the programme titled “Illimin zaman douniya” with the support of the UNFPA in order to reduce the rate of forced marriages among children including early marriages among the most vulnerable segments of the female population;

✓ Adopting Decree No. 2017-395/PRN/MEP/A/PLN/EC/MES of 5 December 2017, on the protection, support and assistance to the girl child while she is attending school.

281. It should also be noted that actions have been taken by NGOs such as CONIPRAT to combat the phenomenon of FGM with the financial support of UNICEF towards the implementation of a programme titled “Holistic Approach To Female Genital Mutilation” in the rural commune of Makolondi. This programme aims at developing the capacity of the communities by putting into effect community education programmes based, among others, on human rights, reproductive health and support for community initiatives. It specifically targets the empowerment of the communities to advance towards eliminating harmful practices against women and children and promoting the development of beneficial practices. The following results were achieved between 2017 and 2019:

✓ Thirty (30) villages and towns publicly declared they had abandoned all forms of violence against women and children on 15 February 2017 in Makolondi;

✓ Three thousand one hundred and twenty (3120) sessions of lecture forums were organized for participants in one hundred and twenty villages and towns and these helped to reach out to about 13 964 people including 4918 women, 3204 men, 2836 adolescents and 3006 female adolescents;

✓ Sixty (60) village protection committees made up of two (2) women, 2 men and 2 female adolescents were established to fight against violence and exploitation of children (cutting, early marriages, abduction of young girls);

✓ Establishment of a communal children’s protection committee which has a WhatsApp platform for the sharing and management of cases in real time.
B. Rights of the Child: Article 18

282. In line with its commitment to ensure the protection of the rights of the child, the government has established a protection mechanism that it is making efforts to develop at all times. Among the components of this mechanism, one can mention the formulation and adoption of the following policies, programmes and projects:

- Health Development Plan (PDS);
- 2014-2024 Education and Training Sector Programme (PSEF);
- National Civil Status Policy (PNE);
- National Child Protection Programme;
- Project on the Protection of Itinerant Children;
- National Strategy for the Elimination of Child Marriages;
- Communication Strategy for the Prevention of Risky Migration of Children from Kantché to Libya and Algeria;
- Several Holistic and Community Programmes as part of efforts to eliminate child marriages, Promotion of School Attendance by the Girl Child and Combating Violence, Abuses and Child Exploitation;
- Support and Social Reintegration Programme for Repentant Boko Haram Activists;
- Capacity Building Programme for Child Protection Activists;
- Strengthening of Institutional Framework through the building of several reception and support centres for vulnerable children;
- National Action Plan for the Elimination of Child Labour;
- Provision of support in 2018 by decentralized authorities of the M/PF/PE for 3951 children below 18 years who are victims of maltreatment, negligence, sexual violence, neglect, separated/unaccompanied children, child marriages and the worst forms of labour;
- Annual Celebration of the International Day against Child Labour on 12 June;
- Annual Celebration of the Day of the African Child on 16 June;
- Formulation of a Journalists Guide on the Promotion and Development of the Rights of Children in the Media;
- Teaching the Rights of Children in Schools.

283. Furthermore, it can also be noted that the government has ratified the Hague Convention on the International Adoption of Children through the promulgation of Law No. 2018-33 of 24 May 2018, authorizing the signing by Niger of the Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption signed on 29 May 1993 in the Hague.

284. Additionally, capacity building was carried out for the benefit of child protection activists in the light of new challenges: itinerant children and children found in emergency situations.

C. Rights of Persons with Disabilities: Article 18

285. Niger has made progress in the implementation of the rights of persons with disabilities since the last report.
Thus, in the social development sector, since the adoption of the National Social Protection Policy (PNPS) on 16 September 2011 on the basis of the principles of equity, social justice and the rights of both male and female citizens, national values of solidarity regarding priority actions have been promoted, including scaling up social safety nets, strengthening and establishment of social reintegration programmes for persons with disabilities.

The implementation of the recommendations of the forum on begging held in 2015 in various sectors resulted, among others, in the determination of the authorities to combat the degrading social phenomena in general and begging in particular, as shown by the measures taken in June 2019 by the municipal authorities of the Niamey region in order to give effect to the legal ban on begging in public places.

The Economic and Social Development Plan (PDES) 2017-2021, some of the objectives of which are to strengthen the resilience of the social and economic development system, employment and reduction of inequalities, provides for specific actions aimed at vulnerable segments of the population (women, young people, persons with disabilities and older persons) particularly, through the improvement of social protection, the creation of income-generating activities and employment.

The PDES 2017-2021 took into consideration the needs of persons with disabilities (PWDs), in particular support for actions of associations working to promote PWDs and the strengthening of rehabilitation programmes at the community level, the consolidation of the implementation of the CRPD and Ordinance No. 93-012 of 2 March 1993, determining the minimum rules on social protection for people with disabilities.

The continuation of the 3N Initiative (Nigeriens Feeding Nigeriens) the overall objective of which is to contribute to protecting Nigerien people from hunger and ensuring that the best possible conditions are made available for their full participation in national production and improvement in their incomes; thus, fully contributing to addressing the stigmatization of people with disabilities.

The adoption of Law No. 2018-022 of 27 April 2018 determining the fundamental principles of social protection, classifies people with disabilities as being part of vulnerable groups.

The draft bill on equality of opportunities and reintegration of people with disabilities was validated during a workshop held in Niamey in September 2018. It is currently in the process of adoption.

A repository has been designed containing a comprehensive inventory of legal and political instruments, international and national development plans and programmes on the promotion, protection and the realization of the rights of persons with disabilities;

On 9 November 2017, a Committee was established with a mandate to formulate a social reintegration strategy for persons with disabilities.

A government seminar held on 30 May 2018 on “Disability, Rights and Sustainable Development” was a real opportunity for the exchange of views on disability issues. In this regard, the provisions of the Convention on the Rights of Persons with Disabilities (CRPD) were highlighted to members of government. Additionally, the status of implementation of the CRPD was reviewed with the participants.
296. The fight against stigmatization of persons with disabilities has come up at the highest level of government because from 2017 to date organizations of people with disabilities are invited by the President of the Republic when presenting his New Year’s Day wishes and also during the breaking of the Ramadan fast.

297. A Forum of persons with disabilities was held during the African Union Summit in July 2019 with the aim of enhancing the inclusion of persons with disabilities in all development activities.

298. In the area of access by vulnerable groups to social services, the priorities of the programme focused on the implementation of youth integration actions, the building, rehabilitation of socio-economic centers and the strengthening of humanitarian actions such as supply of food products, blankets and essential products…) from the government to schools of the dumb and the blind.

299. In the health sector, Niger has made considerable efforts to improve the quality and access to health services and even to implement specific strategies bordering on some thematic issues such as free healthcare. By 31 January 2019, the social services of the social welfare programme had recorded more than four thousand (4000) persons with disabilities and members of their families who benefitted from this medical assistance.

300. Similarly, Niger has implemented the 2017-2021 Health Development Plan in which one can find several preventive actions and the fight against incapacitating diseases through a number of health projects or programmes.

301. The free health care for children below five years and women, particularly antenatal consultations, caesarean section operations, family planning, screening, care for female cancers and obstetrical fistula are also offered to persons with disabilities.

302. The government, in collaboration with the International Committee of the Red Cross, through the orthopaedic centers of the national hospitals in Niamey and Zinder, has contributed immensely to the provision of prosthetic limbs for the movement of persons with disabilities to ensure that they can move and have an improved social integration.

303. In connection with access to health and educational infrastructure and to local authorities, 100 access ramps have been built and rational developments have been made to buildings to facilitate their use by persons with disabilities with the support of the government and Humanité et Inclusion (HI).

304. In the area of access, the law lays down provisions to facilitate access for persons with disabilities (PWDs) right from the design of infrastructure through the enforcement of Law No. 2017-20 of 12 April, 2017, which establishes the fundamental principles of urban planning and development, Law No. 2018-25 of 27 April 2018 laying down the fundamental principles of construction and housing and Decree No. 2018-303/PRN/MD/U/L of 30 April 2018 on the modalities for the implementation of Law No. 2018-25 aforementioned.

305. In the education sectors and vocational training, the Education and Training Sector Programme, (PSEF 2014-2024) which is a holistic document encompassing all levels of education and training, the education of persons with disabilities has been incorporated.

306. Thus, two (2) divisions have been established to deal with issues of disability at the Ministry of Primary Education and the Ministry of Vocational Education; the revitalization of the national rehabilitation programme and the training strategy of persons with disabilities with the creation of 58
joint classes in 25 ordinary schools and also the support for children with special education needs, which is one of our concerns.

307. It must also be noted that there is a braille printing press for encoding, including the design of a national educational strategy for children with disabilities with 32 college students and 13 students of Institutes and Technical Schools equipped with computers and which are supported by the National Union of the Visually-Impaired of Niger (UNAN).

308. The training of specialized teachers and visually-impaired pupils on the use of computers was organized in Maradi, Dosso and Niamey regions in July 2018, including an awareness raising caravan on inclusive education during the National Day of Persons with Disabilities, 2018 and 2019 Editions; these are some of the indications of the will of the government to respect the rights of persons with disabilities.

309. In the area of vocational training, the Vocational Training and Apprenticeships Support Fund financed more than 2500 artisans with disabilities in 8 different trades.

310. In the employment sector, Articles 10 and 46 of the Labour Code as well as Article 49 of the General Civil Service Regulations have reinforced access to employment for persons with disabilities through the possibility of earning their living by choosing their trade or accepting a work on the employment market and in an environment that promotes inclusion and access.

311. The regulatory aspect of the 2012 Labour Code was also adopted by the government in August 2017 through the incorporation of innovations provided for persons with disabilities.

312. Concerning the continuation of recruitment without any competitive entrance examination for entry into the civil service, the number of graduates with disabilities directly recruited into the Civil Service increased from 200 to 538 between 2010 and 2019.

313. A brainstorming session was also organized on 31 July 2018 with a focus on strategies for the sale of small-scale items produced by artisans with disabilities.

314. Since 2017, in the area of leisure and sports, the sporting potential of persons with disabilities has been developed through their inclusive participation in national sporting activities (competition in traditional wrestling for the visually-impaired has been organized) in African Games (Abuja, Algiers), Games for the Future of Persons with Disabilities in Africa (Ouagadougou, Nouakchott, Niamey and Yaoundé), the Paralympics including the 2020 Tokyo Olympics for which intense preparations are on-going.

315. Finally, it must be noted that Niger was represented at the international seminar on awareness raising about the ratification of the Protocol to the African Charter on the Rights of Persons with Disabilities, organized by the African Commission on Human and Peoples’ Rights from 5 to 6 July 2019 in Kigali where Niger committed itself to ratify this instrument in the near future. The consultations have already started in that regard.

D. Rights of Older Persons: Article 18

316. In Niger, according to the INS, older persons were estimated to be 757,836 in 2012, 816,619 in 2016, 843,792 in 2017, 872,104 in 2018 and 902,576 in 2019. Older persons are all those who are 60 years and above.
317. The phenomenon of ageing of the population is accompanied by significant social, economic and cultural repercussions. Owing to this, older persons also suffer from poverty which deepens their vulnerability. The difficulties they face can be summarized as follows:

- Isolation
- Difficult access to social services, in particular, health care;
- Marginalization and stigmatization

318. Several measures have been taken on older persons. In this regard, regulatory measures have been taken and legislative measures are ongoing, particularly the draft bill on the protection of older persons which is in the process of adoption. Concerning the Madrid International Action Plan, Niger has incorporated the social protection of older persons into Article 25 of its Constitution of 25 November 2010. This Article provides that: “The Government shall ensure oversight of Older Persons in accordance with the Social Protection Policy”. Through this policy, priorities are derived for the improvement of their livelihoods including the following:

- Strengthening free health care by using social funds earmarked for the health sector;
- Establishment of a National Council of Older Persons (CNPA) through Order No. 029/MPO/SG/DL of 31 October 2016, determining its composition and powers;
- Establishment of a National Committee for the Protection of Older Persons established by Order No.17/MP/PE/DGPE/PS/DPPA/PH/DL of 13 March 2012, determining its responsibilities, composition and functioning;
- Institutionalization of a solidarity week during which several visits are organized to the homes of older persons in order to provide them with support and assistance;
- Annual celebration of 1st October on the International Day of Older Persons;
- Establishment of regional, departmental and municipal councils for the protection of older persons;
- Definition of a budgetary line for older persons;
- Conduct of a survey on the socio-economic situation of older persons in Niger in order to assess the needs of the target group;
- Holding of an international workshop in Niamey from 24 to 25 January 2019 that brought together Member States of the OIC with the aim of designing an Action Plan on the improvement of the wellbeing of older persons.

319. The security situation in recent years marked by recurrent attacks by terrorist groups has worsened the situation of the already vulnerable population and caused other problems related to humanitarian support for displaced persons and refugees fleeing from areas affected by insecurity. Against this background, persons with disabilities and older persons are among the most vulnerable and are victims of discriminations and suffer from social and economic inequalities, thus impeding their access to basic social services and their full and effective participation in societal life.

IV. THE RIGHTS OF PEOPLES AND THEIR DUTIES AS STIPULATED IN THE CHARTER

A. Rights of Peoples

1) Rights of Peoples to Equality: Article 19

320. Niger has reaffirmed its commitment to African Unity and has pledged to do all it takes to implement regional and sub-regional integration in the preamble of its Constitution. It has also expressed its determination to cooperate in friendship, equality and mutual respect with all peoples concerned about peace, justice and freedom.
321. The equality of peoples is established in the Constitution by referring to the UN Charter, the Universal Declaration of Human and Peoples Rights and other duly ratified international and regional human rights protection and promotion instruments.

322. The recent election in Niger on 7 June 2019 as a non-permanent member of the United Nations Security Council provides an opportunity for the country to positively contribute to the consolidation of peace in the world and respect for the principle of equal sovereignty of States.

2) Right of Peoples to Self-determination: Article 20

323. Niger is convinced that the right of peoples to self-determination implies that each State has or should have a free and sovereign choice to determine the form of its political regime devoid of any external influence. Each people must enjoy their full sovereignty in line with the principles of universally-recognized international law. That is the reason why Nigerien diplomacy is based on the following principles:

- Principle of respect for States and their sovereignty;
- Friendship and cooperation among nations and peoples;
- Good neighbourliness;
- Support for just causes.

3) Right of peoples to freely dispose of their wealth and natural resources: Article 21

324. The permanent sovereignty of peoples over their wealth and natural resources is a corollary of the right of peoples to self-determination. From this perspective, Niger as a developing country endowed with huge natural resources exercises its full and permanent sovereignty over these resources which it manages in such a way as to place itself in a more favourable position according to its national interests.

325. Thus, all the mining exploration contracts are negotiated by the government without any direct or indirect breach to the exercise of its sovereignty over its natural resources. The firms or companies which undermine or attempt to undermine the national interests for their own national interests, may have their contracts cancelled outright.

326. For purposes of transparency, the Constitution provides that all mining exploration contracts must be subject to publication in the gazette and the government must abide by this obligation.

4) The Right of Peoples to Economic, Social and Cultural Development: Article 22

327. Article 146 of the Constitution states that: “The Government’s action in the area of economic and social development policies is underpinned by a strategic vision. The Government ensures that wealth creation, growth and the elimination of inequalities become a major pillar of its interventions. Public policies should promote food sovereignty, sustainable development, access to all social services as well as improvement in the quality of life”.

328. Article 147 of the same enactment states that: “The government must develop its energy potential in order to achieve energy sovereignty, access to energy and build a dynamic and competitive industrial, mining, oil and gas sector geared towards meeting national needs and development requirements. The companies operating in Niger are, as a matter of priority, obliged to employ Nigerien staff and provide them access to all jobs in line with their capacities in accordance with the relevant laws”.

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329. The institutionalization of the Economic, Social and Cultural Council responsible for assisting the President of the Republic and the National Assembly is a big advantage in the implementation of economic, social and cultural rights extensively developed in the preceding paragraphs of this report.

330. Niger has just hosted the Extraordinary Summit of the Assembly of Heads of State and Government of the African Union on 7 and 8 July 2019, which summit established the launch of the operational phase of the African Continental Free Trade Area, followed by the 1st Coordination Meeting between the African Union and the Regional Economic Communities.

331. Thus, as declared by the President of the Republic in his message to the Nation on 2 August 2019 “With the African Continental Free Trade Area, Africa is taking a giant stride towards ending its balkanization. Its implementation as well as that of other projects under the Agenda 2063 should help transform our continent and create conditions for its prosperity, particularly, by creating jobs for the youth”.

332. The DOING BUSINESS ranking on 23 October 2019, ranked Niger 132nd as against 143rd in 2018, representing a leap of 11 percentage points. This performance is the result of a series of reforms carried out to improve the business environment, especially by completely reviewing the legal framework, including, among others, the speeding up of the commercial procedures and the possibility of a seizure of the commercial courts by electronic means.


333. Niger is working relentlessly towards the consolidation of peace and security in the world. Confronted with several attacks by terrorist groups causing deaths in many countries, the President of the Republic has moved to the forefront of the fight against terrorism and organized crime. Thus, at the regional level, the pooling of forces working under the Multinational Joint Force in the Lake Chad Basin and the G5 Sahel Joint Force has proved effective in this fight.

334. At the Ecowas level where Niger has been Chairman since the 55th Abuja Summit held in June 2019, the Authority of Heads of State and Government held an Extraordinary Summit on 14 September 2019 devoted specifically to regional security issues and the consideration of ways and means of addressing them collectively.

335. To be effective, the fight against terrorism must take an international dimension and that is the reason why Niger which has just been brilliantly elected to the UN Security Council for the period 2020-2021, will pursue the fight for peace and international security in this august body.

336. Finally, as part of the framework to maintain peace and international security, Niger is participating in the UN contingents deployed in different parts of the world torn by armed conflicts.

6) The Right of Peoples to a Safe Environment: Article 24

337. It is the outcome of provisions of Article 149 of the Constitution that the harnessing and management of natural resources and the sub-soil must take into consideration environmental protection, cultural heritage and the preservation of the interests of present and future generations.

338. Other relevant Articles of the fundamental law protect the environment, and they include:
   - Art. 35 – Every individual has a right to a safe environment. The State has the obligation to protect the environment for the benefit of present and future generations.
Everyone has the duty to contribute to safeguarding and improving the environment in which they live. The acquisition, the storage, manipulation and evacuation of toxic waste or pollutants from factories and other industrial or small-scale industrial units established on the national territory are regulated by law. The transit, importation, storage, burying, tipping (unloading) of toxic waste or foreign pollutants on the national territory as well as any agreement to that effect are a crime against the nation punishable by law. The Government is working towards assessing and controlling the impact of any development project and programme on the environment.

- Art. 36 – Government and other public authorities are pursuing the fight against desertification;
- Art. 37 – National and international companies have the obligation to comply with legislation in force regarding environmental matters. It is mandatory for them to protect human health and contribute to safeguarding and improving the environment.

339. Niger has embarked on a daily fight against greenhouse gas emissions that cause climate change, deforestation, desertification, water, air and soil pollution or depletion of resources caused by human or nature-induced activities. These human or natural activities undermine the right of the population to enjoy a safe environment. Additionally, one may include the right to water, pure air and enjoyment of landscapes, the benefits of biodiversity; in a nutshell, the right to live in safe environmental conditions, has been established in several national and international laws.

340. Niger is aware that the issue of climate change goes beyond its borders and falls within the jurisdiction of the international community. That is the reason why on the occasion of the Special Summit of the Climate Committee for the Sahel Region held in New York on 23 September 2019, the President of the Republic declared that “Today, everyone accepts the urgent need to pool our efforts and resources together in order to find acceptable and sustainable solutions to protect our planet and allow future generations to inherit a world where life will be worth living. We do not have a second planet; our immediate commitments are dependent on human survival. We are aware of this in Niger.

341. The key new environmental statutes adopted since the submission of our previous report include the following:
- Law No. 2018-28 of 14 May, 2018 determining the fundamental principles of environmental assessment;
- Law No. 2018-34 of 24 May 2018, authorizing the ratification of the Kigali Amendment to the Montreal Protocol on Ozone-Depleting Substances.
- Law on the fight against Offences relating to international trade in flora and fauna species threatened with extinction, adopted on 13 October 2019;

B. Duties of the States as Stipulated in the Charter

1) Specific Duties of States Parties Under Article 25 of the Charter

342. Article 43 of the Constitution states that: “It is the duty of the State to ensure the translation of the Constitution and other relevant laws on human rights and fundamental freedoms into the national languages including their dissemination. The State ensures the teaching of the Constitution, human rights and civic education at all levels of education”.

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In order to give effect to this provision, teaching programmes on human rights have been designed in some schools, right from the primary school, and the Government, in collaboration with NGOs is translating the main regional and international human rights promotion and prevention instruments into all the national languages.

The community radio stations are also carrying out awareness raising campaigns and education in order to ensure that the people understand their rights and duties as provided for in the legislation and the steps to be taken in case these rights are violated.

Human rights education in Niger dates back to the era before the advent of democracy with isolated and scattered experiences of some schools and vocational training centres since it did not feature in the curricula. In the light of the profound changes that occurred in the Nigerien society and following the commitment of the country to an irreversible democratic process, today the teaching of Human Rights has become a real instrument for the deepening of democratic ideals, freedom, equality and peace.

The teaching manuals of the Ministry of Education have undergone profound reforms for the past ten years. The Nigerien authorities have indicated their commitment to incorporating Human Rights education in the curricula. It is on course to becoming a full-fledged discipline with the design of human rights textbooks in the Nigerien education systems. Thus, the Ministries of Education and Training, with the support of the UNDP and HCHR, have designed human rights education textbooks and also embarked on capacity building of teachers after an experimental phase in Niamey. The notions of tolerance, the culture of peace and non-violence, rights and duties of citizens have been incorporated into the “Civic and Moral Education” sub-programme.

The themes contained in the manuals take into account the aims and objectives of the African Charter on Human and Peoples’ Rights, the Universal Declaration of Human Rights (UDHR) and other legal instruments.

As part of the human rights education programme, a training workshop for educational support staff on the modules and Human Rights Education Guides was organised in the Dosso region in August 2019 and it brought together 40 persons including 11 women, made up of educational support staff from the Dosso, Niamey, Tillabéry regions, including senior staff from the Directorate of Classical Primary Education Cycle (DECPC).

It must be recalled that in 2014, the Ministry of Primary Education, Literacy and Promotion of National Languages and Civic Education and the Ministry of Justice developed three modules and Human Rights Education Guides (EDH). In 2016, these modules and guides were tested in Niamey and the comments and observations were factored into the process to improve the experimented tools. Thus, the educational support staff in Dosso, Niamey and Tillabéry regions were targeted for the HRE training.

Thus, the officers responsible for enforcing the law therefore underwent several training sessions in order to respect and protect human dignity and defend human rights without distinction as to race, colour or national or ethnic origin.

2) Duty to ensure the Independence of the Courts

When Niger assumed the duty to promote the independence of the judiciary and in a permanent quest to modernize and perfect the judicial apparatus, the State undertook several legislative and regulatory reforms.
352. In spite of the inadequate budgetary resources allocated to the Ministry of Justice, the judges carry out their mission and do not hesitate to denounce any act likely to undermine the material and moral interests of its members through their labour union. Currently, there are 412 magistrates in active service.

353. The following are the relevant Articles of the Constitution which establish the independence of the judiciary in Niger:

- Article 116: The judiciary is independent of the legislative and executive branches of power. The judicial power is exercised by the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors, the courts and tribunals.
- Article 117: Justice is delivered across the national territory on behalf of the people and in strict compliance with the law and the rights and freedoms of every citizen. The decisions of the judiciary are applicable to all, to public authorities and to the citizens. They can only be criticized in ways and in forms as laid down by law.
- Article 118: In exercising their duties, the judges are independent and are only subject to the law.
- Article 119: The judges at the headquarters are appointed by the President of the Republic upon the proposal of the Minister of Justice, Keeper of the Seals on the advice of the Higher Judicial Council. The judges of the Public Prosecutor’s Office are appointed by the President of the Republic on the advice of the Minister of Justice, Keeper of the Seals. The judges on the bench are irremovable. The law determines the composition, the organization, the responsibilities and the functioning of the Higher Judicial Council.

V. DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF THE CHARTER IN THE LIGHT OF THE POLITICAL, ECONOMIC AND SOCIAL CONDITIONS

354. In spite of the progress achieved in the implementation of the ACHPR, it must be acknowledged that there are several obstacles impeding its effective implementation. Thus, there are still challenges to be addressed regarding the enjoyment of civil and political rights, economic, social and cultural rights as well as the rights of the last generation. Indeed, for some years now, Niger has been confronted with a security challenge originating from its proximity to Mali, Libya, Nigeria, Burkina Faso, which have become hotbeds of conflict. This situation, coupled with the permanent risks of instability and serious threats to peace, is the source of the influx of numerous migrants, refugees, returnees and internally displaced persons into our country. The re-direction of a large proportion of the national budget into this war which has fallen upon us through terrorism, is depriving the basic social sectors of huge resources with the resultant effect of ineffectiveness of some rights.

355. For instance, on 31 July, 2018, Niger had 58,510 Malian refugees made up of 44.94% of men and 55.06% of women fleeing from the war and distributed in three (3) camps in the Tillabéry region. The Diffa region has since 2015 been confronted with violence perpetrated by the Nigerian terrorist group Boko Haram, and today the region is playing host to close to 250,000 displaced persons including Nigerian refugees and internally displaced persons.

356. On 20 October 2019, 442,449 asylum seekers, refugees of various nationalities, made up of returnees and internally displaced persons were received in Niger. Indeed, since May 2019, Niger has been confronted with a huge influx of refugees. They include, among others, 40,000 Nigerian citizens who have just settled in the Maradi region since there is resurgence of violence in the North-West of their country. The Agadez region has also been hit by a wave of asylum seekers which has since October 2019 been playing host to about 3000 persons, many of whom have fled from the crisis in
Libya. In addition to these figures, 2190 burkinabés have fled from the insecurity situation to reach our borders. The number of asylum seekers, refugees, internally displaced persons could increase in the coming months.

357. Niger is still confronted with other challenges impacting negatively on the enjoyment of all the rights enumerated under the African Charter, and these challenges are related to cultural and economic bottlenecks and the influence of customary practices which constitute an impediment to certain reforms such as attempting to put a stop to discrimination against women and children in cases such as child marriages, the girl child attending school, inheritance etc. Awareness raising campaigns are on-going to attain a favourable behavioural change that promotes equality and non-discrimination.

358. Niger is convinced that no single country can address the challenges related to the effective respect for human rights. That explains why the highest Nigerien authorities are working by the day to overcome the hurdles impeding the effective enjoyment of rights everywhere and by all persons.

359. Aware of these challenges, Niger is resolutely committed to a greater promotion and protection of the rights and freedoms enshrined in the Charter with the support of its partners, through concrete and practical initiatives which contribute without any iota of doubt to the enjoyment of human rights.
PART THREE: IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE PRESENTATION OF THE 14TH PERIODIC REPORT

360. Following the presentation of the 14th periodic report on the implementation of the ACHPR in November 2017, the Commission made several recommendations to our country. In the following development, responses have been provided for each of the recommendations regarding their current status of implementation.

I. RATIFICATION OF INTERNATIONAL AND REGIONAL HUMAN RIGHTS INSTRUMENTS

A. Ratify the regional and international human rights instruments that have not yet been ratified for an enhanced promotion and protection of human rights, particularly:

At the regional level:

361. The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa of 2003 was signed by Niger but it has still not been ratified due to some cultural bottlenecks which have to be streamlined.

362. The Additional Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons of 2016 has also not yet been ratified but since the seminar held from 5 to 6 July 2019 in Kigali to raise awareness among the State to sign and ratify it, Niger has embarked on a process to sign it within a very short period. The Ministry of Justice which is responsible for the follow-up of the implementation of the recommendations of treaty bodies and the UPR has already informed its counterparts concerned by the issue in order to initiate prior consultations to the ratification. Furthermore, a draft bill on the protection of older persons is in the pipeline for adoption.

At the international level:

363. The Second Optional Protocol to the International Covenant on Civil and Political Rights on the Abolition of the Death Penalty of 1989 has not also been ratified but in paragraphs 43 to 45 supra, we have broadly developed the current status of our steps towards this ratification

B. Incorporate into domestic legislation regional and international human rights instruments duly ratified and ensure their popularization and provide related modules in the curricula of second cycle and tertiary education.

364. A draft bill on torture consistent with the Convention against Torture had been prepared and submitted for consideration by Cabinet Council chaired by the Prime Minister before being returned to the Ministry of Justice for amendments. It will be forwarded once again to go through the processes for its passage. Another draft bill relating to the incorporation of the International Convention for the Elimination of All Forms of Racial Discrimination is also being prepared.

365. The Constitution has provided for the popularization of regional and international human rights instruments and steps are underway towards this end, particularly training workshops, awareness raising through the media etc.

366. The second cycle and tertiary education curricula have been reviewed to include human rights education in some vocational schools and institutes.
C. Make a Declaration Pursuant to Article 34(6) of the Protocol on the Establishment of the African Court on Human and Peoples’ Rights to enable individuals and NGOs to have direct access.

367. Niger has since 14 May, 2004 ratified the Protocol to the African Charter on Human and Peoples’ Rights establishing an African Court of Human and Peoples’ Rights. The country has also embarked on the process of making a declaration under Article 34.6 relating to the seizure of the Court by individuals and NGOs. Towards this end, the Minister of Justice, has by a written Letter No. 1946 /MJ/GS/SP/CI dated 24 December 2018 seized his counterpart at the Ministry of Foreign Affairs to initiate the declaration procedure.

II. ADOPTION AND PROMULGATION OF CODES, LAWS AND DECREES ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Take the necessary measures towards the adoption of a Personal Status Code.

368. Since the previous report, the situation has not changed. However, brainstorming and consultations are on-going.

369. The personal status in Niger is governed by law (the Civil Code in particular) and customs. These standards have not been compiled and put together into a single document referred to as a “Code”. As a result of the sensitivity of the issue, the Government is proceeding according to sub-themes. For instance, in the absence of the adoption of a Personal Status Code, it prefers to intervene through specific legislative enactments but more importantly through scattered regulations in order to encourage family planning or discourage girl child marriages or extend the marital age. The Government has made interventions in the reproductive health sector, maintained the girl child at school and introduced compulsory schooling for all up to 16 years, etc.

B. Accelerate the process of adoption and promulgation of codes, laws and decrees that are still in the pipeline for passage, particularly, the draft code of the child; the draft bill on the protection of older persons; the draft bill on protection of the girl child still attending school; the draft bill making torture a specific offence; the draft legislation on the approval of the statutes on the Special Compensation Fund for Victims of Trafficking in Persons; the draft decree on the establishment, organization, duties and functioning of reception and protection centres for victims of human trafficking; the draft legislation on the protection of personal data; the draft legislation on the protection of human rights defenders; the draft decree on National Literacy and Non-Formal Education Policy and the Draft Implementing Regulations of the Labour Code.

370. The draft legislation on Equality of Opportunities for Persons with Disabilities has gone through the first reading by the Technical Committee for the Consideration of Texts (COTEVET) which for purposes of making it consistent with Article 100 of the Constitution has amended its draft title to “Law determining the fundamental principles for the integration of persons with disabilities”. This draft legislation, validated by COTEVET, is currently pending at the General Government Secretariat awaiting registration at the Cabinet Council.

371. The draft bill determining the terms and modalities for social protection of older persons has been prepared and its title also amended by COTEVET to “draft bill determining the fundamental principles governing the protection of older persons”. This text has been sent back for second reading by the relevant Ministries, namely Ministry of Population Affairs, Labour, Employment and Social Protection.
372. The draft legislation on protection of the girl child still attending school was sent back to the regulatory level to ensure that it is consistent with the Constitution following its rejection by the National Assembly. Thus, Decree No. 2017-935/PRN/MEP/A/PLN/EC/MES on assistance, support and protection of the girl child still attending school was adopted on 5 December 2017. A Joint Order No. 000025/MEP/A/PLN/EC/MES/MEP/T, specifying the condition for the protection, assistance, support for the girl child still attending school was adopted on 4 February 2019 by the Ministries of Primary Education, Secondary Education and Vocational and Technical Education.

373. The draft bill making torture a specific offence went through the initial consideration stage by the Cabinet Council which at the request of the Minister of the Interior sent it back for a second reading, particularly in order for broaden consultations with the Defence and Security Forces. These consultations have been completed and the text is being finalised and very soon it will be submitted to go through the processes for passage.

374. The draft decree on the approval of the statutes of the Special Compensation Fund for Victims of Slavery has been finally withdrawn from the adoption processes following its consideration by the Cabinet Council.

375. The reception and protection centres for victims of slavery have been established by Order No. 00034/MJ/GS/DG/ANLTP/TIM of 2 March 2019. They are being constructed in the hinterland of the country, the first of which was completed in Zinder in July 2019.

376. The draft legislation on the protection of personal data was adopted by Law No. 2017-028 of 3 May 2017.

377. The draft bill on the protection of the rights of human rights defenders has been validated at a workshop held on 11 and 12 June 2019, sponsored by the Geneva-based International Service for Human Rights. However, the title was changed to “Draft Legislation on the Responsibilities of Human Rights Defenders”. It is now at the finalization stage at the Ministry of Justice prior to its introduction for finalisation in the National Assembly.

378. The National Literacy and Non-Formal Education Policy was adopted on 13 March 2015. Its actual implementation will help to diversify the offer of literacy and non-formal education, improve the quality of literacy programmes and the management and financing of this education sub-sector.

379. The draft decree on the regulatory aspect of the Labour Code was adopted on 10 August 2017 under schedule No. 2017-682/PRN/MET/PS.

C. **Adopt the necessary legislative texts for improved regulation of the private health sector.**

380. The right to health is a fundamental right and as a result a Human Right. That is what is laid down in Article 12 (1) of the Constitution: “Each one has a right to life, health, physical and moral integrity, healthy and adequate food, drinking water, education and training under the conditions defined by law”.

381. The need to guarantee health to all citizens is the basis for the Government to allow the private sector to contribute to the improvement of health. Thus, the private sector operates in the health sector through training and provision of services. There are therefore health training centres or private hospitals or clinics where a significant proportion of the population seek healthcare.
382. The authorization for the opening and operation of private dispensaries and the granting of accreditation to be a pharmacist is issued by the competent authorities. A general regulation of the private health sector by legislative texts is a challenge that the Government of Niger must address.

383. Several regulatory texts on the health sector have been adopted in recent times. They include, among others:
- Decree No. 2017-764/PRN/MSP of 29 September 2017 on the establishment of the National Order of Medical Practitioners;
- Decree No. 2017-765/PRN/MSP of 29 September 2017 on the establishment of the National Order of Pharmacists;
- Decree No. 2017-766/PRN/MSP of 29 September 2017 on the establishment of the National Order of Dental Surgeons;
- Decree No. 2017-767/PRN/MSP of 29 September 2017 on the establishment of the National Order of Nurses;
- Decree No. 2017-767/PRN/MSP of 29 September 2017 on the establishment of the National Order of Midwives.

III. PROHIBITION OF DISCRIMINATION AND EQUAL TREATMENT FOR ALL

Adopt legislative and any other appropriate measures to correct existing inequalities between men and women in all aspects of life, particularly in the area of customary inheritance.

384. In order to reduce disparities and inequalities between men and women, Niger adopted:
- The national prevention and response strategy for gender-based violence in September 2017, seeking mainly to substantially minimize gender-based violence and their effects;
- The review of the National Gender Policy in August 2017 following the one adopted on 31 July 2008, with the aim of “ensuring an improved protection of the rights of men and women regarding their opportunities to have access particularly to quality training, employment without any discrimination, to health services for all and ….to peace, security and equal social protection”.

385. In order to reduce the existing inequalities between men and women, the Government has initiated a process of reviewing upward the quota in elective positions from 15 to 25% and appointing positions from 25 to 30%. The draft law has just been adopted by the Ministers on 18 October 2019 before being sent to the National Assembly.

IV. RIGHT TO LIFE

A. Continue to observe the moratorium and take the necessary measures for the abolition of the death penalty, particularly through awareness raising campaigns and training of all stakeholders on the issue.

386. Niger is continuing to observe the moratorium for the abolition of the death penalty. Indeed, the different recommendations emanating from treaty bodies and that of the UPR included, have been accepted by our country. It signed the moratorium in December 2018 while waiting for total abolition.

387. The draft legislation on the abolition of the death penalty will be submitted once again to the National Assembly at the earliest opportunity for passage as highlighted in the paragraph on the right to life and physical and moral integrity in the second part of this report. It is within this context that a
Parliamentary Day was organised by the Ministry of Justice to sensitize the parliamentarians on their roles and responsibilities in the implementation of the recommendations of treaty bodies and the UPR.

388. There were no awareness raising campaigns organised by the Government on abolition of the death penalty apart from organizing the Parliamentary Day in view of the background of insecurity and terrorism in which our people are currently engulfed; with many of them mourning their dead relatives. However, the society is continuing with its advocacy and sensitization campaigns, particularly on the occasion of the World Day against the Abolition of the Death Penalty.

B. **Fight more effectively offences against life and terrorist attacks; by drawing inspiration from the Commission’s human rights principles and guidelines.**


390. The aforementioned different texts govern terrorist offences and competent courts respectively in the area of the fight against terrorism and the procedure to be followed by the courts. Thus, since the beginning of the attacks by Boko Haram, about 1200 people have been arrested either in the course of attacks or during the enforcement of the state of emergency. These persons were prosecuted for various offences ranging from association of criminals to carry out terrorist activities to assassination. The initial hearings were organized in Niamey at the Anti-terrorist Judicial Centre in March 2017. The second hearing was relocated to Diffa in July 2018. On the whole 1016 alleged terrorists were prosecuted in 2018 according to the following results:
- Number of convicted persons- 214;
- Number of nolle prosequi- 440;
- Number of discharged or acquitted persons- 320;
- Number of persons granted interim release- 42;

391. It must also be pointed out that there is an effective mechanism upstream to prevent or inhibit the commission of terrorist acts. They include measures at the national, regional and international levels.

392. At the national level, it includes national terrorism prevention institutions with the main role of ensuring and denouncing any suspicious activity relating to a terrorist activity. They include, among others:
- The national financial information processing unit (CENTIF) established by Decree No. 2004 PRN/ME/F of 14 September 2004 is vested with a mission to collect and process financial intelligence from the money laundering activities. Since the adoption of Law No. 2010-05 of 21 January 2010 on combating the financing of terrorism, the mission of CENTIF has broadened. Thus, henceforth, it has also assumed the role of collecting and processing intelligence on financing of terrorism. It seizes the Public Prosecutor when operations highlight activities likely to constitute an offence of money laundering or financing of terrorism. In carrying out its responsibilities, the CENTIF may have recourse to officers within the police service, the
gendarmery, customs as well as judicial services of the State or any other service whose assistance is deemed necessary when dealing with financing of terrorism or money laundering.

- the national coordination committee on activities aimed at combating money laundering and financing of terrorism (CNCA-LBC/FT), whose creation was requested for by a directive of the Inter-governmental Action Group against Money Laundering in West Africa (GIABA) on the establishment of a coordination mechanism of activities to combat money laundering and financing of terrorism in every ECOWAS Member State.

393. The mission of this Committee includes, among others:
- Promoting information, sensitization and training of stakeholders involved in the fight against money laundering and financing of terrorism;
- Assisting the government to steer national policy targeted at money laundering and financing of terrorism;
- Develop a national strategy and make recommendations aimed at improving and strengthening the fight against money laundering and financing of terrorism;
- Prepare and coordinate regular self-assessment exercises and assessment of the national mechanism for combating money laundering and financing of terrorism;
- Ensuring the implementation of the findings of progress reports on the national anti-money laundering and financing of terrorism;
- Implementing provisions relating to the administrative freezing of property and wealth criminally acquired.

National Legislative and Regulatory Frameworks for the Prevention of Terrorism

394. It includes restrictive measures taken to deny freedoms as a means of preventing acts of terrorism. These include, on the one hand, the declaration of a state of emergency in certain regions of the country as well as additional administrative measures.

State of Emergency

395. The state of emergency is provided for by the Constitution in Article 68 thereof. Law No. 98-24 of 11 August 1998 determines the condition thereof. It was promulgated in the Diffa region for the first time by Decree No. 2015-073/PRN/PN/MDN/MISPD/ACR/MJ of 10 February 2015. Since then, the state of emergency has been extended every quarter based on authorization from the National Assembly. With regard to the Tillabéri and Tahoua regions, the state of emergency has been declared in certain localities since March 2018 and has since been renewed on several occasions.

Administrative Measures

396. These measures have been adopted in line with the enforcement of the state of emergency and for the Diffa region, they are designed to get rid of the population living on the Lake Chad Islands which have become a haven for the terrorists who are mistaken for the local population and thus they are able to commit their treasonable acts in all tranquillity. Furthermore, all forms of cultivation and particularly fishing and export of fish to Nigeria have been prohibited for the simple reason that it is from the smuggling that the terrorists are able to get their fuel supplies including other staple foods. These measures are being eased gradually to bring relief to the population as attested to by Decree No. 041/GR/DA of 4 January 2017 authorizing the movement of motorized tricycles in the Diffa region.

397. Another measure but not the least is the prohibition of any movements on motorbike in the Diffa region and some districts in the Tillabéri and Tahoua regions which are prone to terrorist attacks. These measures can be justified by the fact that the attackers generally use motorbikes to move about and by so doing, they quite easily get to their targets. Measures to relax these restrictions are underway at the request of the population.
398. At the regional and international levels, the G5 Sahel is an institutional framework for coordination and monitoring of regional cooperation in matters of policy development and security. It was established during the Summit held from 15 to 17 February 2014 by 5 Sahel countries, namely: Mauritania, Mali, Burkina Faso, Niger and Chad. An agreement was signed to that effect on 19 December 2014 and its permanent Secretariat serving as its headquarters is in Mauritania. The position of permanent secretariat is held by Niger. It meets at different levels and at the military level, the Army Chiefs of Staff meet at one level. Thus, the 5 Member States have formed a force of 5000 men, code-named “G 5 Sahel Joint Force” approved by the African Union and adopted unanimously by the United Nations Security Council on 21 June 2017 by Resolution 2359 and on 8 December 2017 by Resolution 2391. In his address presented on 24 September 2019 at the 74th Ordinary Session of the United Nations General Assembly in New York, the President of the Republic of Niger expressed the wish that the G 5 Sahel Joint Force will be placed under Chapter 7 of the United Nations Charter for more effectiveness and for resources.

399. When the Boko Haram terrorist group unleashed their terror on Nigeria, Niger, Cameroon and Chad, these countries were joined by Benin and they sought to pool their forces together to get around this terrorist organization. Thus, an agreement was signed on 28 February 2012 in Abuja among these States for improved coordination in the fight against Boko Haram.

400. Concerned about their security, the 3 neighbouring countries in the south of Libya, namely Niger, Chad and Sudan signed a security cooperation agreement in N’Djamena, Chad with their northern neighbour, to fight against terrorism and illicit trafficking. The 4 countries have committed themselves to cooperate under the terms of the agreement in information sharing and to authorise troops to use the right of hot pursuit over a distance within its hinterland of the territory of the other country. The agreement urged the judicial authorities to sign within two months cooperation agreements to facilitate cases of extradition when it is deemed necessary.

401. At the international level, the United Nations have committed themselves for decades to fight against terrorism. Following the 11 September 2001 attacks, the United Nations Security Council unanimously adopted Resolution 1373 (2001) which is mandatory for all Member States and traces the approach to be followed in the fight against terrorism.

402. This Resolution also established the Committee against Terrorism (CAT) made up of 15 members of the Security Council and it calls on all Member States to implement a number of measures to strengthen their legal and institutional capacity to fight against terrorist activities on their national territory, at the regional level and throughout the whole world.

403. Thus, Niger has incorporated Heading VI (new) into its Criminal Code which deals with terrorism and financing of terrorism. The Heading VI made up of 15 chapters deals with the definition and classification of offences deemed to be acts of terrorism and financing of terrorism.

404. The Criminal Procedure Code was reviewed to incorporate the Specialised Judicial Centre on the fight against terrorism and the procedure to be followed in combating terrorism.

V. RESPECT FOR HUMAN DIGNITY AND PROHIBITION OF EXPLOITATION AND SLAVERY

A. Strengthen existing policies and programmes in order to eradicate definitively the practice of slavery and its consequences particularly in areas under nomadic traditional chiefdoms.
405. In the first place, it is necessary to recall that within the context of the fight against trafficking and similar practices which include slavery, the Government of Niger has developed a 2014-2018 plan of action. The implementation of this plan has resulted in very concrete outcomes in the sense that the awareness raising campaigns and training carried out among traditional chiefs have culminated in a genuine change of mentalities on the part of these chiefs.

406. A new plan of action to fight against trafficking in persons and illicit trafficking of migrants covering the period 2020-2024 was developed in July 2019 and it is currently awaiting validation before final adoption.

B. Address the phenomenon of trafficking of human beings, in particular women and children, through operational and institutional capacity building of structures in charge of preventing and fighting against this practice.

407. As indicated in the previous report, our country has established two structures in charge of the fight against trafficking in persons and illegal trafficking of migrants. These are the National Coordination Committee for Combating Trafficking in Persons and Illegal Trafficking of Migrants and the National Agency for Combating Trafficking in Persons and Illegal Trafficking of Migrants.

408. Regarding the operational and institutional capacity building of these two structures, the following decrees and instruments can be mentioned:

- Decree No. 2018-149/PRN/MJ of 8 March 2018, determining the monthly allowances of the staff of ANLTP;
- Decree No. 2018-429/PRN/MJ of 22 June 2018 determining the modalities for the establishment, functioning, financing and inspection of reception centres and protection of victims of trafficking in persons;
- Order No. 00034/MJ/GS/DG/ANLTP/TIM of 2 March 2019 on the establishment of reception and protection centres for victims of trafficking in persons;
- Orders Nos. 203 and 204 on the appointment of heads of departments at the Directorate General of ANLTP/TIM.

409. In addition to these regulatory measures, the ANLTP has organised training and capacity building sessions for gendarmes, judges and the diplomatic and consular corps. The officers of the ANLTP also benefitted from a capacity building session for improved identification and handling of cases. These training sessions were carried out with the support of partners such as GloAct, UNODC and IOM.

410. It must also be noted that there is an operational procedure for providing support to victims of slavery.

VI. PROHIBITION OF TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT

A. Adopt a specific legislation on the definition and punishment of torture in accordance with the International Convention against Torture and Cruel, Inhuman and Degrading Treatment and Punishment.
411. In Niger, there is no specific offence for torture. However, all physical or moral offences that constitute torture are punishable under the criminal code and the military justice code as follows:
- Articles 222 et seq provide for and punish assault and battery with punishments varying between 3 months and 30 years imprisonment depending on its seriousness;
- Article 265 punishes for a period of one year to less than ten years imprisonment for arbitrary arrests and unlawful detentions. When they are caused by a public authority, the sentence is 10 to 20 years, according to Article 266. Where the victims have been subjected to bodily torture, Article 267 provides that death penalty may be imposed;
- Article 208.3 of the Criminal Code describes “war crimes” punishable by the death penalty as certain serious offences such as “torture or other inhuman treatments” and other serious offences which by action or omission undermine persons or properties protected under the Conventions signed in Geneva on 12 August 1949 and their additional protocols I and II of 1977,
- Articles 270 (1) to 270(4) provide for and punish crimes of slavery to between 10 and 30 years imprisonment and offence of slavery to a term of 5 to less than 10 years imprisonment;
- Law No. 2003-010 of 11 March 2003 on the Code of Military Justice punishes torture under humanitarian law offences, particularly its Articles relating to genocide and crimes against humanity. Thus, Article 317 of the aforementioned Law specifies that: “genocide refers to the fact of executing a concerted plan seeking to totally or partially destroy a national, ethnic, racial or religious group or a specified group on the basis of any other arbitrary criterion…”;
- Articles 318 and 320 of the Code of military justice punishes offences of genocide or crimes against humanity by applying the death penalty. The criminal code punishes the same offences by using the same penalty.

412. In order to fall in line with the Convention on the Prohibition of Torture which has been ratified, Niger is in the process of passing a law on torture. The draft legislation has been developed and is currently going through the processes for adoption.

B. Establish a national independent control mechanism for combating torture.

413. Law No. 2012-44 of 24 August 2012, determining the composition, organization, responsibilities and functioning of the National Human Rights Commission, is in the process of amendment to take into account the national independent control mechanisms for combating torture.

C. Implement and popularise the Robben Island Guidelines, particularly for stakeholders in charge of enforcing the laws and ensuring oversight of compliance with these guidelines in the course of the preparation of the next periodic reports.

Promotion and support for cooperation with international mechanisms

414. Niger has been regularly preparing and submitting its initial and periodic reports to UN and African treaty bodies. With the establishment of the Inter-Ministerial Committee responsible for drafting reports to treaty bodies, all the reports due are transmitted to the relevant bodies. It also cooperates with special mandate holders wishing to visit the country.

Criminalization of Torture

415. The process of establishing torture as a criminal offence has been initiated and will be translated into an amendment of provisions of the existing criminal code.
Non-refoulement

416. Niger is party to the Convention against Torture. No resident can be expelled to his country or to a third country where he/she risks being subjected to torture or other cruel, inhuman or degrading treatment or punishments.

Fight against Impunity

417. In exercising their duties, judges are only subject to the law and their own personal conviction. They deliver justice on behalf of the Nigerien people. As a result, nobody is above the law. The President of the Republic has since his re-election in 2016, placed his second term under the banner of the fight against impunity. Thus, the operation code-named “boulala” (horsewhip) has been initiated and it has helped to bring several persons involved in financial malfeasance and serious human rights abuses to justice, among others, for questioning, without distinction as to their social rank or status. The power of the HALCIA has also been reinforced since 2016 with the possibility admissible under the law to be seized by itself and investigate with all the powers of a criminal police and transmit any outcomes of its investigations directly to the Attorney General of the Republic. The latter authority has no right to close the case outright since the law mandates it to prosecute.

Mechanisms and Procedures for Complaints and Investigations

418. Currently, there is no clear mechanism to bring into play criminal responsibility resulting from torture. Therefore, in this instance, the criminal procedure code shall apply. Any victim of acts deemed as torture or a similar offence may seize an examining magistrate, a relevant tribunal or an investigative unit or directly approach a representative of the Public Prosecutor’s Department.

Fundamental Guarantees for Persons who have been denied their Freedom

419. The person detained enjoys all his fundamental rights. Detention is exercised as part of laws and regulations and in accordance with relevant regional and international laws thereof. The Human Rights Directorate and the National Human Right Commission undertake regular visits to places of detention to ensure the enforceability of the enjoyment of the fundamental rights of detainees. Any omission found opens the door for sanctions to be applied. The detainees can also communicate with members of their families. They have a right to healthcare and leisure. They enjoy their freedom of worship and conscience.

Guarantees during pre-trial detention

420. Right from the time the person is summoned for questioning, in accordance with regulation No. 5 of UEMOA, the one deprived of his freedom must have recourse to the services of a legal counsel. Furthermore, the person kept in custody must be sent to the public prosecutor with a medical certificate attesting that the person has not been subjected to any form of torture or any other similar treatments.

Conditions of Detention

421. The Human Rights Directorate, the magistrates and the National Human Rights Commission undertake visits to places of detention. The examining magistrate and the public prosecutor also verify the conditions of detention of persons denied their freedom. The purpose of these controls is to ensure compliance with the relevant international standards in matters of detention.
Surveillance Mechanisms

422. Places of detention and custody are kept by officers of the FDS under the control of the public prosecutor who falls under the oversight responsibility of the Attorney General.

Training and Capacity Building

423. The training in human rights of judges and officers of the FDS, stakeholders in charge of detention is overseen by the Government with the support of its partners such as the United Nations system, the Danish Human Rights Institute and the EUCAP SAHEL. Human rights modules have been incorporated into the training of these personnel.

Education and Capacity Building of Civil Society

424. The Government contributes to the training of civil society stakeholders in the area of human rights. The CSOs also obtain funding for their training from technical and financial partners established in the country or through external financing.

Meeting the needs of victims

425. The needs of victims are analysed within the context of the pursuit of justice and redress for the injury suffered. To achieve this, the victims can advantageously refer to the Criminal Code and the Code of Criminal Procedure. The National Legal and Judicial Assistance Agency is available to assist victims in the area of judicial proceedings.

VII. RESPECT FOR DUE PROCESS AND CONDITIONS OF DETENTION

_Release adequate budgetary resources for the implementation of Law No. 2017-008 of 31 March 2017 with a view to increasing the daily rations of people in custody in accordance with international norms and standards thereof._

426. As part of the improvement of conditions of detention, Law No. 2017-08 of 31 March 2017, determining the fundamental principles of the prison system in Niger was adopted. This law is an amendment of Decree No. 99-368 PRN/MJ of 3 September 1999 which seeks to attain the same objective. The new law particularly highlights the rights of detainees, their socio-professional reintegration and their punishment and sanctioning aspect of the detention.

427. Article 40 of Law No. 2017-08 provides that “detainees have a right to three (3) daily rations. The latter must be balanced in order to avoid any dietary deficiency and to provide them the necessary energy for their health and for the performance of their tasks”. This provision has not yet been implemented due to the budgetary constraints faced by the country.

428. The budgetary outlay for the maintenance of detainees (feeding, medical upkeep, hygiene, bedding and clothing, operations of prison facilities) amounted to 1,360,000,000 CFA francs in 2018 including 1,055,000,000 for feeding, 15,000,000 for operations of prison establishments, 30,000,000 for hygiene and sanitation, 100,000,000 for medical care, 100,000,000 for bedding, and 60,000,000 for clothing. In 2019 the budget declined to 1,215,583,000.

429. In spite of the inadequate budgetary allocation due to the fight against terrorism, the Government has been compelled to redirect a substantial proportion of the overall budget to the security sector;
feeding and medical care for detainees are therefore moderately catered for. Their improvement is a constant source of concern for the prison’s administration.

*Respect legal deadlines for pre-trial detention and take legislative, administrative and other measures to reduce overcrowding in the prisons.*

430. Based on the fact that the staff of the national guard in charge of surveillance and management of prisons did not receive adequate training, the Government decided to turn to the establishment of a specialized body with the passage of Law No. 2017-09 of 31 March 2017 on the independent status of staff of the Prison’s Administration. In order to give effect to this law, the Ministry of Justice launched two (2) competitive entrance examinations for recruitment of one hundred and eighty (180) officers for the inspectors and controllers’ corps of the specialized prison staff. Finally, 131 candidates are currently receiving prior theoretical military training. The establishment of this new corps would improve prisoner file management systems, particularly in terms of control of the duration of detention, applications for release on parole etc.…

431. The intake capacity of 40 prison facilities in Niger is 10,055 places. As at 1 October, 2019, 10,497 persons were in detention, including 4,390 convicted persons and 6,107 on remand. The high number of pre-trial detainees is due to the slow pace of processing of case files and that is the reason why the Ministry of Justice is brainstorming about the development of a plan designed to reduce overcrowding in prisons. This overcrowding does not affect all the prison facilities. Some of them have reached 400% of their capacity such as the Niamey Central Prison which is supposed to house 445 inmates, and which, as at 1 October 2019, had 1,457 inmates. On the other hand, there are others which have not yet reached half of their capacity (for example Kollo and Mayahi).

432. Table No. 7 below provides a detailed situation of inmates in all the prison facilities with gender-disaggregated statistics as well as details on minors and adults, pre-trial detainees and convicts as at 1 October 2019.
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**TOTAL : 10497**
433. As part of the decongestion of overcrowded prison facilities, apart from the building of two (2) new prisons, thirty (30) ministerial orders have been issued for the transfer of 457 detainees from one prison to the other in the year 2018. Furthermore, during public holidays, the President of the Republic signs decrees for total or partial remission of sentences with hundreds and sometimes thousands receiving such presidential pardons.

434. The Ministry of Justice with the support lawyers posted to the prisons under the United Nations Volunteers (UNV) programme, also encourages convicted detainees who have met the legal conditions to submit their applications for release on parole. The Minister of Justice, through circulars, calls on judges to administer alternative forms of sentences to imprisonment such as suspended sentence with probation, general interest work established by Law No. 2017-05 of 31 March 2017, the implementing decree of which was submitted to Cabinet on 18 October 2019.

VIII. ACCESS TO THE PUBLIC JUSTICE SYSTEM AND RIGHT TO A FAIR TRIAL

Ensure the operationalization of the National Legal and Judicial Assistance Agency (ANAJJ)

435. Access to justice is a fundamental right established by the various national and international legal instruments. Thus, the National Legal and Judicial Assistance Agency (ANAJJ) established by Law No. 2011-42 has been instituted to fulfill that mandate. Its mission is to make available Legal Aid and Judicial Assistance to certain categories of persons. Indeed, for the Agency, legal assistance consists of organizing a whole range of services to improve the understanding of the law, justice system and its institutions and to prevent conflicts and facilitate the settlement of disputes. The legal assistance services are free and meant for all manner of persons without distinction as to nationality, sex, age or any other consideration and the same is applicable outside any judicial or administrative procedure. These services are provided in local legal and judicial assistance offices or during mobile court hearings in the following forms: sensitization of persons or groups of persons on the law in general and justice, legal consultations, counselling, approaches or orientation of persons in respect of bodies or institutions in charge of the implementation of their rights, provision of assistance to citizens for the drafting of legal deeds that do not fall exclusively within the jurisdiction of other legal entities or natural persons.

436. Regarding legal assistance, it takes into account not only the literacy and poverty of the population, but also other bottlenecks such as the distance of the courts, the concentration of lawyers in the country’s capital city, the high costs and fees charged by lawyers or associated with judicial proceedings. It consists of ensuring that during the legal proceedings, the following services are provided to the beneficiary: the assistance to and defence by an officially-appointed lawyer; the bearing of related legal costs involved in the proceedings. The beneficiaries of the judicial assistance are vulnerable and deprived persons.

437. The following vulnerable persons automatically enjoy the legal assistance package: minors prosecuted for crime, offence or contravention; minors who are victims at criminal courts; physically-challenged persons or civil parties incapable of defending themselves for reasons attributable to their disability; accused persons appearing before an assize court; women victims of violence referred to in Chapters II, III, VI, VIII of Heading III of the Criminal Code; women who solicit payment of alimony, the liquidation of an estate or child custody. Thus, judicial assistance involved 22 153 persons from 2015 to 2018. Legal assistance services accounted for 3371 persons over the same period.

438. In order to ensure the operationalization of the Agency, a diagnostic mission at the local legal assistance offices was carried out in March 2019 and an activity programming workshop with the technical and financial support of the United Nations Development Programme (UNDP) was organized.
in April 2019 in Dosso. This workshop helped to undertake some activities such as training in lobbying techniques for thirty-six (36) officially-appointed counsels (DCO) who are not lawyers, including (16) at Dosso and twenty (20) in Zinder, the training of journalists on the role of the media in the implementation of the legal and judicial assistance mechanism. This workshop offered the opportunity to train 30 men and women from the media and also raise awareness among women in six regions (Diffa, Maradi, Niaméy, Tahoua, Tillabéry and Zinder). This sensitization which forms part of the activities commemorating 13 May helped to sensitize more than 1000 women on the legal and judicial assistance mechanism and on gender-based violence. Furthermore, in 2019, the Directorate General of the Agency received six (6) employees recruited by the line Ministry.

439. All these activities are aimed at revitalizing the ANAJJ by establishing a conducive environment for legal and judicial assistance not only by developing technical capacity of the various stakeholders and sensitizing the various target groups but by establishing a strategic alliance with the media to ensure improved visibility of the Agency and its branches.

IX. RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION AND ACCESS TO INFORMATION

Strengthen the training of journalists and media professionals and embark on the signing of the inter-professional collective bargaining agreement of media workers

440. In spite of the training of journalists and media professionals, this bargaining agreement has still not been signed as a result of the mistrust of some leaders of certain media outfits due to the financial implications since it will make it mandatory to pay salaries to their employees beyond a certain threshold.

441. In order to train more journalists and media professionals, Law No. 2018-31 of 16 May 2018 initiated a reform of the media assistance fund since this fund will no longer be paid in cash but it will be used to carry out capacity building activities for these professionals under the oversight responsibility of the CSC, the regulatory body.

Accelerate the process leading to the passage of a specific law on protection of human rights defenders by drawing inspiration from the Commission’s Guidelines on Freedom of Association.

442. As a response to this recommendation, please refer to the development on recommendation No. II above.

X. FREEDOM OF MOVEMENT: REFUGEES, DISPLACED PERSONS AND MIGRANT WORKERS


Strengthen controls at the borders and reception and identification centres for migrants and asylum seekers as part of the management of mixed migratory flows.

443. In accordance with its international human rights protection obligations, Niger has passed Law No. 2018-74 of 10 December 2018 on protection and assistance of internally-displaced persons in line with the Kampala Convention adopted by the African Union in 2009 and ratified by the country in 2012.

444. Thus, Niger is the first country in Africa to have passed a national law on the protection and assistance to internally displaced persons in their own country (IDPs). The law aims at promoting and strengthening national and regional measures to prevent, mitigate and eliminate conditions that could lead to internal displacement. It also provides for the establishment of a legal framework relating to the
protection from forced displacements and protection and assistance to displaced persons in their own country.

445. The law defines the roles and responsibilities in matters of protection against internal displacements and it makes reference to sustainable solutions, particularly the voluntary return to their places of origin, local integration into their location of displacement and establishment elsewhere in the country.

446. Niger is recording a huge influx of migrants at its borders with some countries such as Libya, Mali and Nigeria. To better control this phenomenon, the activities under the monitoring project of migratory flows at the borders of the seven (7) regions of Niger were launched on 10 April, 2019.

447. This project aims at establishing a mechanism for identifying persons in need of international protection from the border police posts to enable them take advantage all the rights provided under their status as migrants and more particularly illegal migration.

448. The monitoring of migratory flows which has been in existence for one year, is implemented by the Ministry of the Interior with the financial support of the International Committee for Emergency Assistance and Development (CIAUD-Canada) in Niger and it affects the regions of Niamey, Tillabéry, Dosso, Tahoua, Maradi, Zinder and Diffa.

449. The Government adopted a National Border Policy for 2019-2025 and its Plan of Action on 4 October 2019. This policy falls within the national and international context characterized by several issues relating to security, migration, development of border spaces and cross-border cooperation. Its overall objective is to promote the control of national borders, promote peace, security, sustainable development and cross-border cooperation.

XI. RIGHT TO PROPERTY/ RIGHT TO WORK

Take the necessary measures to facilitate access to housing for low-income people.

450. Just like other rights, the right to housing as a right to property is well protected both by Article 28 of the Constitution and by other related enactments. Every individual has a right to property and cannot be denied except for reasons of public utility and subject to a fair and prior compensation. Furthermore, both customary and civil laws are protected in the same breadth even though under customary law the problem often posed is the rigidity of the evidence.

451. The right to housing occupies a priority position in the human rights directory due to the specific importance ascribed to it by the authorities; the latter are convinced that it is a critical right for the economic and social development of the country. This is manifested by the adoption of significant context maps, including:
   - Law No.98-054 of 29 December 1998, on the national housing policy which defines the guidelines and financing procedures to promote the production of housing, including the establishment of a Specific Bank;
   - Law No. 2013-28 of 12 June 2013, determining the fundamental principles of town and country planning and urban development;
   - Law No. 2018-28 of 27 August 2018 determining the fundamental principles of construction and housing;
   - Decree No. 2018-255/PRN of 12 April, 2018, changing the name of the Ministry of Housing to the Ministry in charge of Housing.
452. The Ministry of Landed Properties, Town Planning and Housing was ascribed a key mission including, among others, the design and implementation of national housing policy, the fundamental strategy of which is the Annual Performance Plan, an annual lobbying, steering and information document aimed at linking the project performance with the financial resources.

453. Its objective is to ensure social modernization by improving the living conditions and livelihoods of the population through better access to decent and secure housing equipped with all the basic social amenities; more specifically to ensure low-cost housing, a decent livelihood to a large number of Nigeriens as possible.

454. Significant steps have been taken to not only re-develop the slum areas and prevent their proliferation but also to improve access to decent housing. Thus, apart from establishing a national directorate for the improvement of housing, the following can be mentioned:

- The 3rd phase of the participatory programme on slums (PPAB) initiated by UN-Habitat to rehabilitate urban villages at Gamkallé and Saga in Niamey;
- The rehabilitation programmes of other suburbs such as Maradi, Zinder and Birni Konni;
- The resettlement of the disaster-hit neighbourhoods and flood victims at Karadjé and Zarmagandeye. A site dubbed SENO was planned and developed and currently it houses 669 households out of the 772 people who were evacuated from the area. During this operation, the NGO Qatar Charity graciously built 112 housing units for the vulnerable households;
- The establishment of private plots of land led to the development of sub-urban locations and the decline in the price of plots of land;
- The simplification of the procedure for granting land titles by working on the various stages, the cost and the registration of the State property through the establishment in 2006 of a title code-named SHEDA or testimony which paves the way for a significant advancement in granting land titles which increased from 1600 deeds to 42000;
- The launch in 2012, of the Niamey NYALALA programme for the modernization of the city of Niamey one of the key components of which is the construction of housing units;
- The production and release of close to 20,300 plots of land to State employees as part of a special operation for the payment of compensation for salary arrears;
- Since 2009, a budgetary line has been opened every year for the building of low-cost housing units with State funds;
- The continuation of the policy of building industries with cement products which has brought down the cost of cement, the main material used in the building of houses;
- The strong involvement of the private sector in the production of social housing units (DGH/PL);
- The signing of “agreements with private partners for the construction of 4000 housing units” in 2014;
- The establishment of a bank for housing in Niger in 2019;
- The Town Planning and Estate Construction (SONUCI) Company which has existed since 1962 and is continuing with its construction works and estate development through programmes dubbed Renaissance I and III in Niamey and Renaissance II in Dosso for an amount of 5.34 billion CFA francs; the introduction of the hire-purchase scheme and simple lease for multi-family housing units and individual housing units and the sale of serviced plots;
- Support by the banks for real estate programmes.

455. For additional information on the right to housing, please refer to the development above in paragraphs 240 to 248 relating to Article 16 of the ACHPR.
Address the issues of fraud, corruption and influence peddling in the recruitment of employees into the public service.

456. To address the issue of fraud, corruption and influence peddling in the recruitment of employees into the public service, the Government has laid emphasis on:
   - The respect for legislative and regulatory provisions in the area of recruitment into the public service;
   - The strengthening of the involvement of all stakeholders at all stages of the recruitment process of public servants;
   - Speedy publication of the results of the competitive entrance examinations.

457. Furthermore, the HALCIA whose functions have been strengthened now has the power of automatic seizure or based on denunciation or complaints submitted by citizens in cases of suspicion of fraud in the recruitment examinations organized by a Government agency. In this regard, its intervention has led to the cancellation of many interviews including the one earmarked for the recruitment of employees into the Ministry of Finance (Taxes and Customs Division), or the recruitment of employees into the Ministry of Health.

458. The HALCIA also supports the Ministries in the organization of competitive entrance examinations in order to prevent fraud, corruption and influence peddling. It also applied specifically to the case of recruitment of teachers on contract organized in December 2018 by the Ministry of Primary Education, Literacy, Promotion of National Languages and Civic Education. HALCIA also supervised the test for the recruitment of contract teachers organised in December 2018 by the Ministry of Primary Education, Literacy, Promotion of National Languages and Civic Education.

Strengthen opportunities and programmes for the creation of employment for the youth.

459. One of the major challenges posed in the area of employment creation is to establish a balance between supply and demand as far as the labour market is concerned, while ensuring that in the long term, a dynamic for wealth creation and improvement of the well-being of the population is achieved. This calls for massive investment in quality training for the benefit of the youth in sectors that foster decent job creation avenues and which attract highly-qualified labour force to meet the requirements of productivity and contribute to inclusive economic growth.

460. It is within this context that Niger has developed a national action plan for employment in the health and social sector and economic growth aspects driven by the Ministry of Employment with the support of other Ministries involved in the dynamics of training, recruitment, deployment and health staff retention.

461. The overall objective of this plan of action is to contribute to the achievement of the Sustainable Development Goals (SDGs), particularly the SDG 1 (poverty alleviation), the SDG 2 (Zero Hunger, Food Security, Nutrition and Sustainable Agriculture), the SDG 3 (health and well-being), the SDG 4 (quality training), the SDG 5 (gender equality), the SDG 8 (decent work and economic growth) and the SDG 10 (reduction in inequalities).

462. Through this national action plan, five specific goals are targeted:
   - Strengthening multi-sectoral collaboration, strategic investment in human resources in the health and social sectors and applied research vis-à-vis the labour market for synergy of actions and improved admissibility;
- An initial and continuing education in the health and social sectors that meet international standards by deriving benefits from the potential of information and communication technology;
- Create decent employment in the health and social sectors to support economic growth mostly for the youth and the empowerment of women and their retention in areas that are poorly served;
- Improve the offer of healthcare by revitalizing primary healthcare strategy and exploiting the potential of information and communication technology.
- Experiment and succeed in inclusive and multisectoral community support project for transitional development within a region in Niger.

463. The Government of Niger with the financial support of the World Bank is in the process of implementing the Youth Employment and Productive Inclusive Project (PEJIP). This project aims at providing an appropriate response to the issue of unemployment and under-employment of Nigerien youth, in particular, those in the rural areas. The objective of the project is to increase income-generating activities among the youth in targeted poor communities in Niger. The expected results are the following:
- 40 000 young people including 50% of women have received support under the project (key indicator);
- 75% of rural beneficiaries of the Component 1 of the project are taking off, extending or diversifying their economic activities after receiving the integrated support package;
- 70% of the urban or sub-urban beneficiaries of Component 2 are engaged in an income-generating activity after receiving support from the project.

464. The cost of the project is about 16 billion CFA francs for a period of five (5) years from 31 October 2018 to 30 June 2023.

465. Between 2017 and 2018, as part of the first segment of the Support Programme for Youth Integration (PAIJ), namely the Contract for the Initiation to Vocational Life (COSIVIP), out of the 1200 planned contracts, 911 young people have actually been placed throughout the country. Furthermore, 90 young people out of 150 have been trained as part of the contract of occupational retraining.

466. It must be noted that the National Employment Promotion Agency has since 2014 been implementing a programme for the improvement of the transition from school to the labour market through the Skills for Growth Development Project (PRODEC). This programme is designed to equip youth graduates from technical and vocational training schools and centres as well as students from secondary and tertiary educational institutions with vocational skills by placing them in business enterprises to enable them to acquire experience.

467. In order to assess the results of this activity, a survey on the future of the beneficiaries of the ANPE internship has been conducted. As at the time of the survey, 70% of the beneficiaries interviewed had been able to secure employment (40% of men and 60% of women, 49% of middle level education as against 51% of tertiary education) including 55.8% who are still employed or self-employed.

468. The impact of the PIJD on youth employment is convincing since 70% of the 806 interviewed were able to secure jobs during the period ranging from six (6) months after their internship as at the date of the interview.
469. In the area of growth sectors, health is by far the most employment-oriented growth sector. The accounting, management, telecommunications, communication and finance sectors are not only growth sectors, but they also provide sustainable jobs (CDI).

470. In the same vein, a partnership agreement has been signed and implemented between ANPE and the Support Fund for Vocational Training and Apprenticeship (FAFPA). Through this partnership, 190 young people benefitted from retraining between 2016 and 2018 in the following trades and sectors: maintenance of lifts; maintenance of large machines; bakeries and pastries enterprises; monitoring-evaluation; expertise in accounting and financial management; computer graphics, archival systems, nutrition and procurements.

471. As part of the implementation of the programme of assistance for the establishment of businesses (PACE), the ANPE has trained 554 young people in the area of entrepreneurship and development of business plans among which 60% of women are involved.

472. From 2011 to 2018, regarding information and guideline measures, the following can be noted: the reception of 181,166 users including 174,043 job seekers and 7,123 employers, the closing of the gap between supply and demand for jobs: 102,031 vacancies received with 101,551 job vacancies filled. Furthermore, the training in techniques on the search for jobs involved 4,164 young people.

473. For 2019, as part of the Youth Integration Assistance Programme (PAIJ), the contract for initiation into vocational life (COSIVIP) affected the following: 551 former and 316 new interns out of a total of 500 were actually placed all over the country with 43.78% of them being women.

474. The National Employment Promotion Agency, with the support of the Skills-Growth Development Project (PRODEC), has since 2014 been implementing the Component 1 dubbed “Improvement from the Transition from School to the Labour Market” which seeks to improve the skills of young graduates leaving technical, vocational and higher educational establishments by placing them into business internships.

475. In the course of 2019, through the technical and financial support of PRODEC, the ANPE will implement the Unemployed Persons Retraining Programme (PRC) and 200 young people are going to benefit from these training sessions to meet the labour needs of businesses.

476. The ANPE also signed a partnership with Open Classroom, an online training platform. Through this partnership, Nigerien job-seekers will have the opportunity to go through free training and develop their skills in contemporary high growth sectors: IT development, design, human resource development, staff development, among others.

477. It has also been planned that in the second half of 2019, an agreement will be signed between ANPE and Chamber of Commerce to facilitate youth training in entrepreneurship. After the website redesign (www.anpe-niger.ne), the Agency plans to acquire a computer application to further facilitate the intermediation on the labour market.

XII. RIGHT TO HEALTH

Increase the budget allocated to the health sector in accordance with the Abuja Declaration and mobilise financial resources and other necessary resources in order to guarantee the effective enjoyment of the right to health by the population.
Ensure compulsory immunization coverage for all children.
478. Over the past five (5) years, the proportion of the Government budget allocated to health has still not attained the 10% rate. It is situated at an average of 5.62%. From 2017 to 2018, this budget was increased significantly in volume. In the light of factors such as inflation, high population growth rate, economic recession, this budget has been inadequate to cover the health needs of the population.

479. However, it must be noted that the government has embarked on the Act II of the President of the Republic’s Renaissance Programme by apportioning 10% of the Government budget to health up to 2020. There has been a sustained lobbying at the National Assembly and Ministry of Finance throughout the period of implementation of the PDS to ensure that the Government’s commitment is fulfilled.

480. As part of the financing policy, the targeted objective is to look for partnership between the Government, the population, individuals and development partners in order to enhance resources allocated to the sector and ensure sustainability of activities to be undertaken.

481. The Table below shows the budgetary trends regarding Government allocation to the health sector from 2016-2018.

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</table>

*Source: MSP*

482. The immunization of children between 0-5 years is one of the high-impact strategies underpinning the PDS in order to reduce infant and child mortality. It is in this light that the routine EPI was instituted and immunization is free for all children throughout the country, whether they are Nigeriens or not. It has also been integrated into all healthcare services at all levels of the health system. The immunization contributed significantly to the reduction of the mortality of children below 5 years.

483. The priority lines of action selected for immunization in the 2017-2021 PDS aim at strengthening the operational capacity of immunization services to enhance the coverage; the continuation of the use of solar energy for refrigeration; the training of staff on the EPI guidelines; the intensification of the supervision of health districts with low immunization performance and introduction of the vaccine against meningococcus meningitis A in the routine EPI.

484. As part of the universal immunization against major infectious diseases, the continuation of routine activities and National Days of Immunization (JNV) must be noted, coupled with National Micronutrient Distribution Days (JNM) and medicines against bilharzia and intestinal helminths diseases. Towards this end, the following activities must be noted:

- The continuation of the conduct of mass immunization campaigns against poliomyelitis;
- The introduction of Men AfriVac Vaccine in the routine EPI;
- The increase in the budgetary line for the purchase of vaccines and consumables (routine EPI, meningitis and yellow fever);
- The organization of immunization days (2 JNV and 3 JLV) helped to immunize 4 801 361 children under 5 years of age as part of the fight against poliomyelitis, with a 91% coverage rate.
The proportion of children completely immunized has remained at a standstill of 52 % (Demographic and Health Survey of Niger (EDSN 2012). In 2017, the Ministry of Health conducted an immunization coverage survey in order to provide relevant information to the directorate of immunization to contribute effectively to the improvement of immunization services in Niger. The results are presented as follows:

**Table No. 9: Status of Child Immunizations**

<table>
<thead>
<tr>
<th>ANTIGENE</th>
<th>ESTIMATES %</th>
</tr>
</thead>
<tbody>
<tr>
<td>VPO0</td>
<td>86.8</td>
</tr>
<tr>
<td>BCG</td>
<td>91.4</td>
</tr>
<tr>
<td>VPO3</td>
<td>82.3</td>
</tr>
<tr>
<td>PENTA3</td>
<td>80.2</td>
</tr>
<tr>
<td>PNEUMO3</td>
<td>76.0</td>
</tr>
<tr>
<td>ROTA2</td>
<td>83.4</td>
</tr>
<tr>
<td>VPI</td>
<td>60.8</td>
</tr>
<tr>
<td>VAA</td>
<td>76.0</td>
</tr>
<tr>
<td>VAR1</td>
<td>76.1</td>
</tr>
</tbody>
</table>

**Source MSP**

For the past two years, the Government has mobilized several billions of CFA francs as part of co-financing for the immunization.

*Proceed to strengthen health infrastructure and ensure the provision of qualified staff to all the district hospitals in order to handle the appropriate medical and surgical interventions.*

Regarding the strengthening of health infrastructure, it is necessary to mention these new infrastructural facilities which helped to strengthen the system. They include the following:

- Construction and equipping of three (3) new hospitals: The Reference General Hospital of Niamey, the Maradi Reference Hospital, the Niger-Turkey Friendship Hospital; these three hospital facilities have a total bed capacity of about 1100 and are equipped with state-of-the-art facilities to reinforce the provision of specialized care;
- Operationalization of the national cancer control centre through the effective installation of chemotherapy activities; and for radiotherapy, works for the finalization of the bunker are far advanced;
- Opening of a Regional Hospital Centre at Tillabéry;
- The construction of 10 new District Hospitals at Bilma, Bouza, N’guigmi Gothèye, Gaya, Mirriah, Bankilaré, Loga, Bagaroua and Damagaram-Takaya;

Concerning the provision of qualified staff to all the district hospitals as a means of offering the appropriate medical and surgical services, the Ministry of Health has taken steps to mitigate the inequitable distribution of staff between the urban centres and rural communities; major redeployments have been carried out in the regional and district hospitals. The Ministry of Health has, in this regard, organised meetings referred to as “truth meetings” in order to reinforce this dynamic and encourage the settlement of the youth in the rural communities. This action has helped to significantly increase the proportion of personnel working in the rural areas.

On the whole, 1261 employees from various categories have been redeployed and 55 medical specialists and 102 paramedical staff who had returned from training have been made available to the different regions and health districts. It must be noted finally that the recruitment of 199 health employees of various categories has been planned for the year 2019.
Establishment of minimum standards and norms aimed at regulating the private health sector

490. The private practice of health professions is regulated by Law No. 98-016 of 15 June 1998 on authorization of private practice in the health sector together with its implementing decree No. 98-329/PRN/MSP of 19 November 1998. These statutes have significantly contributed to the promotion of private sector health activities. In view of the growth of the health sector, this law has a number of gaps including, among others:

- Inadequate inclusion of certain specialised areas in the sector;
- Non-implementation of guidelines of the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (UEMOA) regarding private health professional practice;
- Lack of regulatory provisions regarding the special tax regime and the benefit of subsidies;
- Lack of clarity in the conditions governing the opening and operation of private health establishments by legal entities, in particular NGOs/Associations;
- Lack of harmonization concerning pricing in the private health sector.

491. In order to correct the gaps identified, the Ministry of Health has embarked on a review of the laws and supplemented the legal arsenal with new ones. These laws are currently going through the processes for adoption. The adoption of new texts will help to:

- Establish norms and standards in order to better regulate the private sector;
- Define the bases of fruitful collaboration between the public and private sectors;
- Harmonize the setting of prevailing prices;
- Extend the regulation to all specialties in the health sector;
- Establish consistency in the guidelines for sub-regional integration of ECOWAS and UEMOA;
- Institute incentives for stakeholders in the private health sector;
- Clarify the conditions for private practice by legal entities, particularly by NGOs and Associations.

XIII. RIGHT TO EDUCATION

Increase the budget allocated to the higher education sector in order to address the challenges faced, in particular relating to the issue of university halls of residence, the lack of teaching staff and inadequate teaching infrastructure.

492. In recent years, the higher education system has been confronted with deep crises relating to the combination of several factors, including the high increase in the number of students, high attrition rates, the stoppage of the automatic recruitment of senior managers in the public sector such as teacher-researchers, inadequate credit facilities allocated to higher education and research etc. This situation has led to reforms, the major objective of which is to enhance the quality of higher education.

493. Thus, Niger has embarked on the introduction of the Bachelors, Master, Doctorate system in line with Guideline No. 03/2007/CN/UEMOA, on the one hand, and the establishment of seven (7) other public universities in order to reduce the overcrowding in the public university in Niamey, on the other.

494. This situation has brought about an additional cost for the government, including, among others, the increase in the number of teacher-researchers and students, an exponential increase in the demand for student accommodation, sponsorship of students (scholarships, social assistance, food for students …etc.).
Thus, the budget allocated to the higher education sector is unable to cover the academic needs and operating expenses of universities. Indeed, just like other government sectors, there is a decrease in resources allocated to higher education for the same reasons related to the fight against insecurity mentioned above. For instance, these resources have increased from 53,152 billion in 2019 to 52,877 in the 2020 financial Appropriations Act which is being prepared for adoption.

This budgetary restriction explains why the students’ halls of residence, teaching infrastructure and lecture halls which the government had committed itself to allocating to the Universities since 2017 have not yet been delivered.

In order to address this lack of a large number of teacher-researchers, the university authorities have embarked on a recruitment drive for teachers on contract or part-time teachers.

Adopt a regulation and all the necessary measures to address academic backlogs and recurring strikes.

For several years, the higher education sector has been confronted with difficulties in operations in the area of research and innovation due to recurrent strikes among teacher-researchers and also among students. The resultant effect of this situation is the overlapping of academic years in several public universities, Institutes and Advanced Schools.

As part of the search for sustainable solutions to this unstable situation in public universities, the regulatory authority, namely the Ministry of Higher Education, Research and Innovation has taken measures to stem the academic backlogs in public universities among which the following can be cited:

- Order No. 108/MESR/I/SG/DL of 30 July 2018, determining the academic calendar year for 2018-2019 in public universities, Institutes and Advanced Schools in Niger;
- Order No. 082/MESR/I/SG/DL of 13 June 2019, amending and supplementing Order No. 08/MESR/I/SG/DL of 30 July 2018, setting the academic calendar year for 2018-2019 in public universities, institutes and Advanced Schools in Niger;
- Law No. 2019-05 amending Order No. 2010-77 of 9 December 2010, on the general system of science, culture and technical-oriented Public Institutions (EPSCT), adopted on 6 May 2019 by the National Assembly.

Furthermore, in the area of education, Orders No. 96-019 of 19 May 1996, amending No. 84-06 of 1 March 1984, on the associations’ regime, instituting the establishment of school associations or school cooperatives in primary, secondary and elementary and middle level vocational training schools as a satisfactory measure to fight against academic backlogs and recurrent strikes. This Order separates the pupils of basic and middle level, general and vocational education system from the Union of Schools in Niger (USN).

Support the private education sector and ensure that the pricing of school fees in the private educational institutions and institutes takes into account the purchasing power of the population.

In Niger, the academic backlogs and recurring strikes are due mainly to the non-payment of salary arrears, bursaries and allowances. For this reason, the government has established a framework for dialogue between the Ministries, State institutions and sector labour unions.

As part of the reforms undertaken by the public authorities to enhance the performance of public universities and related services, the Nigerien government established by Order No. 2019-247/PRN/MESR/I/SG/DL of 10 May 2019, a Baccalaureat Board of Niger (OBN). Thus, the establishment of this body meets the high demand for access to second cycle education leading to an increase in the number of candidates for the Baccalaureat at the national level and making it difficult
for the organization of the Baccalauréat solely by the Baccalauréat Service of the Abdou Moumouni University. The purpose is to improve the conditions for the organization of the baccalauréat, an indispensable stage in gaining access to higher education. It is a public administrative institution with financial and management autonomy under the oversight responsibility of the Ministry of Higher Education. Its missions include: preparing and organizing the baccalauréat examinations in collaboration with the universities and Ministries of Secondary and Vocational Education and Training; reassessing the modalities for the conduct of the baccalauréat examinations and proposing the necessary adjustments and undertaking research works and studies on the baccalauréat examinations.

503. Regarding the private education sector, it is regulated by Order No. 99-035 of 19 June 1996, establishing the regulation of Private Education in Niger and its implementing Decree No. 96-210/PCSN/MEN of 19 June 1996. This Order provides for grants from the Government to private schools.

504. School fees in private institutions and institutes are not uniform and are often determined without considering the purchasing power of the population. This can be explained by the liberalization of school fees and the mentality of some parents who are not in favour of the reduction in school fees. But due to the ever-increasing school fees, reflections are on-going at the Ministries of Education and Training to ensure that school fees are within reach by amending Order No. 0132/MEN/MFPE/DEPE/DEPRI of 7 October 1997, on the liberalization of these fees.

**Strengthen the legislative, administrative and other measures to resolve the issue of disparities in school attendance by girls and boys, especially in the rural areas.**

505. In order to resolve the issue of disparities in school attendance by girls and boys in the rural communities in particular, several actions have been taken. But in spite of these tremendous efforts deployed by the government on this issue, the disparity between boys and girls is obvious. However, significant progress has been made in this respect in the light of two indicators, particularly the gross enrolment ratios (GER) and the Primary School Completion Rate (PCR). The GER of girls increased from 64.7% in 2013 to 72.1% in 2017-2018. On the other hand, the PCR of girls increased from 44.3% in 2013 to 72.9% in 2017-2018. These are very encouraging achievements for the country.

506. These rates have continued to improve since the adoption on 5 December 2017 of the Decree establishing the support, protection and assistance to the girl child still attending school and its implementing Decree signed on 4 February 2019. This is a decisive step taken in Niger and which will enable the implementation of other measures for school attendance by the girl child.

507. The government has made provision in 2020 to open community housing centres in the rural communities to promote the maintenance of girls in schools within the rural communities. A national education and training strategy for girls is nearing finalization.

**XIV. RIGHT TO PROTECTION AND SOCIAL SECURITY**

**Strengthen the social security system to ensure adequate social protection for all segments of the population.**

508. The achievements in this domain include the following:

- The establishment of an Interministerial Social Protection Coordination Committee (CICPS) and a Technical Committee of Stakeholders Involved in the Implementation of the National Social Protection Policy (CT/PNPS). Niger has initiated the review and evaluation process of the PNPS;
The reform of social security enactments to bring them in line with current trends and facilitate their implementation by consolidating them into a Code. The Committee has already established it and the Consultant has been recruited with the help of the ILO. The purpose is to review the legislative and regulatory provisions governing the National Social Security Fund (CNSS). To achieve this, an inventory of all the legislative and regulatory enactments will be carried out with a view to updating the legal framework governing the institution and adapting them to the current Nigerien context. Against this background, a government seminar on dialogue for the establishment of a national social protection floor was held in July 2018 including the first national forum on the retreat held in September 2018.

509. The Nigerien Social Mutual Agency (ANMS) established by Decree No. 2015-474/PRN/MET/SS of 4 September 2015, is conducting activities as part of the reinforcement of the social mutual benefits of workers through the provision of additional medical coverage. The Strategic Mutual Health Development Plan aims at contributing to maternal and infant-child mortality through alternative financing mechanisms and community participation in health. The overall objective is to improve financial access to quality healthcare and services through community-based mutual health schemes and businesses.

510. The specific objectives of the Strategic Plan are to extend mutual health coverage to all regions of the country; contribute to the improvement of the mutual health environment; strengthen the financing mechanisms of the community-based mutual health schemes; develop the technical capacity of mutual health services; deepen dialogues among the various stakeholders involved in mutual health, encourage the beneficiaries of CNSS services to resort to insurance campaigns for the benefit of their members especially for businesses with the requisite resources.

511. A study of the budgetary allocation for financing social protection was conducted and a cost assessment tool regarding options has been prepared in order to support the work of the thematic groups. The aim of this cost assessment of options is to calculate, analyse and inform the stakeholders involved in the national dialogue about the costs of options selected as a means of assisting the country in its decision-making process regarding the social protection floor (SPF). A validation workshop of this study was organized from 28 to 30 June, 2016 in Niamey. It brought together all the stakeholders in the area of social protection and the preparation of the roadmap is underway.

512. The modernization of services of the CNSS is on-going through computerization of the processing of documentation in order to improve the conditions of service of the staff and the quality of service and to minimize any risks of error in the processing of documents at both central government level and in the regions and also to promote effective control of the cost of services.

513. Some bodies within the central government and employees of State-owned enterprises, parastatal companies and private organizations have established professional mutual health agencies and are operating at various levels of success. In addition to healthcare, these mutual agencies are developing services such as death benefits, financial assistance in the event of disasters, compensation for retirements etc.

514. The Government is also in the process of establishing a mutual health scheme for public servants. The legal framework for such a mutual scheme has already been defined.

515. With the financial assistance of the French Development Agency (AFD), UEMOA has established a programme for the extension of health risk cover where the mutual schemes play a central role. An inventory of existing mutual schemes in all the regions has been taken for financing by UEMOA to the
tune of 20 million CFA francs. The legal provisions on the establishment of a Nigerien Social Mutual Scheme have been adopted by the Government. The main officials have been appointed (Director General, Secretary General, Director of Financial Affairs and Equipment...).

516. It must be noted that the 2nd Phase of the Decent Work Programme (PPTD) is underway and the actions are focused on widening social protection based on international labour rights and standards that guarantee access to lifelong essential healthcare, basic security and income to every needy person, particularly to vulnerable persons. Towards this end, the following actions are being taken:

- Provision of guidelines for the design and implementation of a National Social Protection Floor;
- Initiation of feasibility studies for the gradual implementation of Universal Health Insurance Coverage for the entire population of Niger;
- The implementation of the new list of occupational diseases;
- The establishment of health insurance coverage in accordance with UEMOA guidelines.

517. Discussions have been initiated and will continue with the ILO for the establishment of a national social security floor.

518. Finally, actions have been initiated to facilitate the transition from the informal economy to formal economy, particularly the capacity building of Labour Inspectors to enable them to better play their role in this sector. The activity report of the CNSS for the 2017 financial year shows that about 70,000 workers in the informal sector have registered.

XV. ACCES TO WATER AND RIGHT TO FOOD AND CULTURE

*Strengthen existing measures as part of the 3N Initiative in order to ensure the right to food for the population, more importantly for the vulnerable segments of the society.*

519. The implementation of the 3N Initiative through the mobilization of water, supply of producers with inputs, the defence and restoration of lands has brought about an increase in river water-irrigation cultivation and land irrigation. From 2011 to 2018, the production of crops dependent on river water increased by 71% and that of irrigated crops by 300%. Thus, the production of millet, sorghum, maize, wheat, rice, fonio increased from less than 3 million tonnes in 2011 to more than 6 million in 2018. In the same period, the production of cash crops (cowpea, Bambara groundnuts, tiger nuts, groundnuts) increased from 1.5 million tonnes to more than 3 million. In addition to numerous achievements made in the area of stock breeding which brought an increase in the production of meat, milk, fish and other non-wood forest products.

520. Along with this increase in production, every year, the Government in collaboration with its partners, has been implementing a support plan for vulnerable people, especially those who experience a deficit in production during the agricultural season. From 2011 to 2018, an amount of close to 1,000 billion CFA francs was invested for the benefit of the population through the sale of cereals at moderate prices, including free distribution of staple foods, cash for work, Food for work etc.

521. To ensure that the producers have access to and obtain the necessary products and services for their activities on a regular basis and at an affordable cost, the “Farmer’s Outfit” has been established with the ultimate objective of modernizing agriculture by popularizing the use of innovative and suitable techniques and technologies that are more friendly to the agro-ecological and socio-economic realities of Niger.
522. During the seven (7) years of implementation of the 3N Initiative, an amount of close to 2,000 billion CFA francs (300 billion per year), has been invested in the agricultural and rural development sector.

*Guarantee access to potable water and sanitation for all the population for the improvement of health and livelihoods.*

523. The government adopted a fifteen (15) year Water, Hygiene and Sanitation Programme (PROSEHA 2016-2030) in November 2016. It falls in line with the United Nations Sustainable Development Goals and the PROSEHA covers only the pillar 6 which consists of ensuring universal access to water and sanitation, a commitment to which our country has subscribed.

524. The Ministry of Water and Sanitation has developed a programme with the support of its technical and financial partners and this programme is the government’s reference document. Its objective is to ensure availability and sustainable management of water and sanitation for all and to also contribute to the implementation of the national pastoralist water strategy.

525. The programme specifically consists of ensuring access to adequate quality water at an affordable cost as part of the integrated management and rational use of water resources and improvement of governance through national capacity development and citizenship participation in water management.

526. The PROSEHA has been structured into five (5) sub-programmes implemented by the Ministry of Water and funded by the Ministry of Finance to the tune of 3.289.000.000 CFA francs.

527. As a result of the implementation of this programme, the potable water supply situation in 2018 was as follows:

- The additional rate of access by households to potable water services is 56.68, representing a geographical coverage of 71.14;
- The breakdown rate has reduced significantly to 8.37.

528. Finally, the new achievements helped to improve the rate of access to potable water from 45.91% in 2017 to 46.31% in 2018 and 740,790 additional persons have been supplied with water bringing the number to 8,438,569 persons out of about 18,000,000 in the rural communities. It should be noted that the continued and overall increase of 1.26 percentage points would help to attain the target of 90% by 2020.

529. The hygiene and sanitation segment comprises of an operational strategy covering a period of five (5) years (2014-2018) which was adopted following the failure of different unsuccessful actions and the urgent need to regulate the sector. Its implementation has brought together a large number of stakeholders. Indeed, Hygiene and Sanitation are a priority for the authorities together with the thematic issue of access to potable water; its management is carried out through education on hygiene and punishment for any of the related offences is administered by using the Hygiene Code adopted in 1993.

530. As the need for the promotion of hygiene was felt and the Code was by far outdated, the Government drew some lessons from the limited impact of the poor consistency of all the actions and therefore developed an Operational Strategy for the Promotion of Hygiene and Basic Sanitation (SOPHAB) covering a period of five (5) years (2014-2018). The aim is to lay specific emphasis on the thematic issue as part of the overall PDES framework and to promote sustainable hygiene and basic sanitation in order to achieve the economic, social and cultural wellbeing of the population; and more precisely to promote positive change of behaviour and contribute to the emergence of a synergy of interventions by various stakeholders of the sector with a view to harmonizing actions, support access
by the population to hygiene and sanitation infrastructure while ensuring inter and intra-regional equity.

531. Under the oversight responsibility of the Ministry of Water, the various stakeholders are the local government authorities, the coordination/consensus-building mechanisms, the users and their representatives, NGOs, the domestic private sector providing services, the TFPs, financial institutions, educational and research organizations.

532. The implementation of this strategy helped to undertake the following sanitation works:
- 14060 household latrines;
- 2514 public latrines;
- 379 sewage drain works;
- 616 handwashing kits;
- 2272 certified villages that have eliminated open defecation.

533. Regarding pastoral water facilities, from 2016 to 2018, 422 modern water equipment points have been installed, a corresponding equipment for 25 households was supplied and one household supplied is equivalent to 10 persons consuming 20 litres of water each per day in the rural community and 75 litres in the urban areas.

534. Furthermore, it must be noted that the national hygiene and sanitation project based on 5 main pillars is underway and they consist of the management of solid waste, drainage of rainwater, management of waste water, pollution and noise-making and promotion of hygiene. For its implementation, an action plan for each pillar has been mapped out.

*Adopt the implementing Decree of Law No. 2014-48 of 16 October 2014 on copyright, neighbouring rights and traditional cultural heritage expressions for its effective implementation.*

535. The implementing decree of this law has still not been adopted. However, it must be pointed out that Decree No. 2018-109/PRN/MRC/A/MS of 9 February 2018, amending and supplementing Decree No. 2010/PCRSRD/MCNTI/C of 23 December 2010 which determines the modalities for the collection of equitable remuneration for private copying has been adopted. This provision establishes new modalities for the collection of equitable remuneration for private copying.

**XVI. RIGHTS OF WOMEN AND CHILDREN’S**

*Abrogate all discriminatory provisions against women and girls contained in the legislation and take all the necessary measures to adopt the personal status code in order bridge the existing legal gaps.*

536. The process of adoption of the personal status code has not made any progress. The process of amending the civil code is on-going in order to eliminate discrimination against girls as far as the marital age is concerned.

*Strengthen awareness raising campaigns on the rights of women and girls among all stakeholders, in particular religious and customary leaders in order to accelerate the change of mentality among the population.*

537. Sensitization campaigns have been carried out in the different regions to accelerate change of mentality among the population.

*Establish plans, programmes, policies and operational strategies for the eradication of illiteracy and poverty among the women.*
538. It should be noted that the National Women’s Economic Empowerment Strategy was adopted in 2017 together with its five-year action plan 2017-2021 and the establishment of the Joint (FAO, UN-Women, IFAD and WFP) Programme to speed up the Economic Empowerment of Women and Girls in Rural Communities and improvement of agricultural production through access to land by women.

539. Niger has developed an Education and Training Sector Transition Plan (PTSEF 2020-2022). In the area of access, as an operational strategy, this plan seeks to:
- Develop as rapidly as possible the reception facilities for vocational training by prioritizing upgraded learning and non-formal education;
- Introduce a new unified strategy for enrolment of girls in accordance with Decree No. 2017-935 /PRN/MEP/A/EC/MES of 5 December 2017, on the protection, support and assistance for the girl child still attending school in Niger.

540. On the issue of quality, particularly in the area of non-formal education, the PTSEF (2020-2022) seeks to increase education offer in the area of non-formal education through a new strategy which has been added to the different models with support from external sources. This includes integration of Koranic schools into the sub-system of non-formal education and the consideration of the learners of these schools as being a part of the non-formal education.

*Increase the quota of women and girls to 30% to ensure a higher representation in elective positions and decision-making bodies.*

541. Niger has launched the upward review process of the law on quotas to elective positions from 15% to 25% and appointed positions from 25% to 30%.

*Develop empowerment programmes for women and girls in order to reduce their vulnerability and ensure their qualitative contribution to the development of the country.*

542. Empowerment programmes have been designed for women and girls to minimize their vulnerability and ensure that they contribute qualitatively to the development of the country. They include, among others:
- The 3N Initiative of (Nigeriens Feeding Nigeriens), the provision of domestic appliances to reduce difficult domestic chores, Income Generating Activities (IGAs) ;
- The continued implementation of social safety nets;
- The establishment of the Business House to facilitate the creation of women’s businesses;
- The establishment of 342 multi-purpose platforms in 7 regions (Diffa, Dosso, Maradi, Tahoua, Tillabéry, Zinder and Niamey) including 102 in 2018. They have been equipped with a two-stroke diesel engine which helps to operate different equipment, either one after the other or simultaneously. It is equipped with a mill for cereals, shellers, battery chargers, an oil press machine, a crusher, dryer, saws, water pumps with or without a water tank and/or water distribution network, a mini electrical network with lamps.

543. Niger, just like many African countries, has adopted legislative and regulatory measures for women in general and for girls still attending school, in particular. This has been carried out, among others, through:

 ✓ **The Constitution of 25 November 2010**

It establishes the 7th Republic, and it is an opportunity which guarantees equality between men and women in general, and equality of opportunities for access to the education system for girls and boys. Thus, in Article 8 it provides that: “The Republic of Niger is a State governed by the Rule of Law. It provides equality for all before the law without any distinction as to sex, social,

Article 2 specifies that: “Education is a right for every citizen of Niger. The State ensures the education of children of four (4) years up to eighteen (18) years “. The Article 8 also states that “The right to education is available for all without any distinction as to age, sex, social, racial, ethnic or religious origin”. Furthermore, Article 14 of the LOSEN provides, among others, that the “education system is aimed at ... ensuring that all young people shall have equal access to education without any discrimination; ... ensuring identification and eradication of socio-economic and cultural bottlenecks, educational handicaps and other obstacles impeding the full self-realization of girls and women in the learning process”.

National Gender Policy (PNG)

Adopted in 2008 and revised in 2017, it establishes the institutionalization of gender in the development process. This policy is viewed as “the operational tool of the Accelerated Development and Poverty Alleviation Strategy (SDRP)” and it seeks, “not only to operationalize the constitutional principles of equality and respect for human rights, but also to translate into deeds, the national and international commitments of the State towards the promotion of gender equity”. Based on the principles of the operationalization of the principles of equality and promotion of gender equality, the breakdown of the strategic pillars into development objectives has provided, among others, for the following specific objectives: “By 2018, achieve a 100% reduction in the gap existing in the attrition rate of girls and boys and the one existing between the illiteracy rate among men and women”. Within this specific context, it provides, among others for: (i) the reduction in the drop-out rate of girls and boys; (ii) the reduction in the level of gaps between the two sexes; (iii) the actualization of the parity between boys and girls in the area of enrolment; (iv) the increase in the percentage of women gaining access to leadership positions and to political, judicial and socio-economic positions within the public sector. As can be clearly seen, the National Gender Policy, among others, aims through the objectives and results, to attain equity between boys and girls in the education and training system in Niger, as well as the institutionalization of the promotion of gender equity.

The Ten-Year Education Policy Letter for 2002-2012

Regarding the outlook, it defines the strategic objectives which aim, among others, at: (i) accelerating enrolment especially in the rural communities and particularly for the benefit of young girls; (ii) reform educational offer and adapt it to the demand in order to reduce the disparities between the regions, between the urban areas and rural communities and between boys and girls.

The Economic and Social Development Programme (PDES)
Niger developed its first “Economic and Social Development Programme for 2012-2015” (PDES) in 2012, followed by a second one for the period 2017-2021. This holistic programme designed to cover all the needs of the country in education, focuses on six Ministries in charge of Education and Training and it falls within the framework of the PDES 2017-2021 under pillar 2 “Social Development and Demographic Transition”, and Programme 3 “Human Capital Development”.

✓ Sustainable Development and Inclusive Growth Strategy (SDDCI) Niger 2035

At the end of the PDES 2012-2015, Niger adopted the first five-year (PDES 2017-2021) operationalization of this strategy.

✓ Education and Training Sector Programme (PSEF) in Niger, 2014-2024

Implemented since 2014, the PSEF is a sector guideline of the PDES in the area of education and training in Niger for the period 2014-2024. The PSEF was approved by the government and endorsed by the TFPs. To address the problem of school attendance of girls, the PSEF envisages:

- Measures to improve the school environment through the construction of classrooms and separate latrines for girls, availability of water, etc.;
- Discriminatory measures for the benefit of girls through the review of criteria for the award of scholarships, school prizes to best female students, offer of tuition fees and school grants to girls in vulnerable situations, etc.;
- Incentives to promote access and maintenance of girls in basic cycle 1 and 2 through the building of community reception centres for young girls, the placement of girls in host families, etc.;
- Measures for the elimination of sexist stereotypes through the drafting of new curricula;
- Measures for the sensitization and communication on girls’ enrollment;
- Several internal and external changes have occurred for the past four years and the orientations and priorities if the government expressed in the PDES have convinced the stakeholders for a review of the PSEF. This review is on-going with the Ministries and stakeholders.

✓ Decrees for the establishment of directorates in charge of promoting enrollment of girls in the Ministries of Education and Training

For an effective handling of some issues related to the schooling of girls at the strategic and operational levels, directorates were established in 2013 at the Ministries of Primary and Secondary Education and these include directorates for the promotion of enrolment of girls (DPSF) with their branches (focal points for enrolment of girls) at the regional and district levels;

✓ Decree No. 2017-935/PRN/MEP/A/PLN/EC/MES of 5 December 2017

It focuses on the protection, support and assistance to the young girl still attending school and it is a major headway in the fight against the drop-out rate and the marriage of children. Its implementing decree has just been adopted.

✓ The Accelerated National Education and Training Strategy for Girls and Women (SNAEFFF)
Starting from the finding that the Nigerien education system is very inequitable, the Government of Niger has incorporated this concern into the PSEF for the period 2014-2024 and its objective is to “offer quality education to all Nigerien children irrespective of their geographical origin, their gender or their disability”. Towards this end, the Accelerated National Education and Training Strategy for Girls and Women (SNAEFFF), proposes measures relating to the improvement of access to education and training for girls and women, the redress of inequalities and discriminations with a particular emphasis on specific social groups, particularly children with disabilities, children from rural communities, nomadic groups and scattered settlements, children in a state of insecurity.

The SNAEFFF translates the will of the government to speed up education and training of girls and women through adapted and sustainable solutions.

It is a reference document which defines the major pillars of the strategic guidelines and implementation mechanisms in order to accelerate the training of girls and women. It is broken down through a unifying plan of action, a set of actions selected through consensus by the Ministers in charge of education and training, the technical and financial partners (TFPs), NGOs and civil society organizations (CSOs) in order to strengthen the educational offer and demand for girls and women.

Grants of Scholarships

In the socio-economic context of Niger which is characterized by a high incidence of poverty, lack of material and financial resources on the part of families is a real handicap for the enrolment of girls. Thus, the need for the Government and its partners to support the young girls through the award of scholarships and support in-kind. The scholarship is a financial allocation to a pupil or student to enable the beneficiary to continue with their studies and obtain better education. The scholarships are generally granted according to merit or depending on the vulnerability of the beneficiary. To date, there are two (2) types of scholarships for students in Niger. The first one which targets girls and boys is granted according to criteria relating to vulnerability. It is funded essentially by the Government to the tune of 1 billion 200 million CFA francs on the average for the secondary cycle annually. For the year 2017-2018, about 43,333 students received the scholarship at the two secondary cycles with 42% being girls and 58% boys. The distribution of the number of beneficiaries is 39,041 (with 43% going to girls as against 57% to boys) and 4,292 (with 37% going to girls and 63% to boys) respectively for the first cycle of secondary and middle level. This scholarship is collected in three tranches quarterly during then school year to the tune of 12,000 CFA francs for the scholarship holders in the first cycle and 18,000 CFA francs for those in the middle level education. The second scholarship is dedicated exclusively to girls and it is regulated by Order No. 00338/MES/SG/DGFEC/DPSF of 21 November 2014, on the award of scholarships to girls in secondary schools. The decision to institute this specific scholarship for girls is to maintain them in the basic educational cycle 2 (college) and to limit child marriages. The conditions for the award are based on vulnerability and living far away from educational institutions. This scholarship also requires accommodation for the young girl by a host family. It comprises of a financial component and a material component. The monthly financial component is 20,000 CFA francs distributed between the host family (15,000 FCFA) and the beneficiary girl (5,000 FCFA).

Since the signing of the Order for the award of scholarships to girls still attending schools, 4,879 girls have enjoyed the facility. It is basically funded under the Support Project for Quality Education (PAEQ) (10%), the SWEDD-Niger Project (49%) and the Support Project for Bilingual Education (PROSEB) (51%).
Apart from the financial allocations which the students benefit directly from, the Government of Niger supports parents of pupils through support in kind, particularly the distribution of school food and school textbooks. The material aspect is in the form of a kit made up of a school bag, exercise books, a mathematical set and a sports wear. There are also the award of Excellence Prizes and Encouragements to best students who are girls.

- **Establishment of Rural Colleges**
  - This is carried out in order to bring pupils closer to their biological families and to resolve the livelihood problems faced by the pupils in general and girls in particular.

- **Awareness Raising Campaigns**
  - These are carried out regularly among local communities, religious and customary leaders, school authorities, the COGES, school boys and girls in order to minimize their resistance to the enrolment of girls.

- **Training of Teachers**
  - More than 600 female and male teachers were trained in 2018-2019 in the area of gender dimension, human rights, comprehensive sexual education, gender-based violence in schools.

  *Adopt legislative, corrective and positive measures to eradicate all forms of harmful customary practices that are inimical to women*

544. These measures and many others aimed at protecting women have been developed extensively in paragraph 260 supra.

*Reinforce the protection of children and fight against their exploitation in all its forms.*

545. As part of this reinforcement, in addition to the measures outlined in the previous report, a Decree on the reporting modalities on children at risk is in the process of adoption. It provides for two (2) types of reporting, namely:

- The administrative form of reporting where it is the result of a multi-disciplinary assessment of the situation from health facilities, educational and social assistance institutions coming up with signs of maltreatment;
- The judicial form of reporting which is when serious physical abuses, sexual violence have been found out on a child and where protection measures are urgently required.

*Adopt laws and administrative and other measures in order to combat child marriages.*

546. In order to deal with child marriages and promote marriages after 18 years, a lot of efforts have been provided and are still continuing. The following can be mentioned, among others:

- The launch of the national campaign in December 2014 following that of the African Union;
- The adoption of Decree No. 2017-935/PRN/MEP/APLN/EC/MES of 5/12/2017 on the protection, support and assistance to the girl child still attending school;
- The organization of a high-level meeting of experts in the area of child protection during the First Ladies’ Summit in Niamey in July 2019;
- The rapid analysis of the phenomenon of child marriages in Niger;
- The development of a social dialogue guide on child marriages for the use of social workers;
- The adoption of a Strategic Plan to bring child marriages to a stop and the establishment of Protection Committees designed to implement Decree No. 2019-369/ PRN /MPF/PE of 19 JULY 2019;
The implementation of the community-based child protection approach focused on the importance of community participation (families, parents, children, members of the community) in the protection of the child in the light of the fundamental roles that their members play in social and community life;

The incorporation of positive community-based traditional social and cultural standards in the definition of child protection strategies and approaches;

The mobilization and empowerment of communities around issues of child protection;

The building of capacity and development of knowledge of communities to ensure that they are able to develop mechanisms and appropriate approaches, both in the area of prevention and inclusion of violence and abuses against children, including child marriages;

Lobbying among authorities, social leaders and policy makers at the local level for the inclusion of child protection issues in local development policies and strategies;

The adoption of a National Strategic Plan to end child marriages in Niger 2019-2021. This plan comprises 4 pillars of intervention, namely: empower girls with skills and support networks, ensure the capacity building of parents and members of the community, improve access and quality protection education services and other social services for girls, establish new platforms for social dialogue which will lead to collective abandonment;

The holding in June 2019, of a national child marriages forum in Niger at Maradi under the auspices of the Mediator of the Republic in order to strengthen the synergy of action between community partners and the Government to act effectively towards the elimination of child marriages in Niger.

Both qualitative and quantitative results were obtained, in particular:

- Commitment of the regional and local authorities to get involved in the fight against child marriages;
- Establish community (village) protection committees;
- Development of action plans by the villages concerned with the approach;
- Organization through steps by the committees leading to the deliberate annulment by the population, villages where marriages of girls between 12 and 14 are annulled;
- 2490 children taken care of including 131 cases of child marriages were cancelled or postponed in 2017;
- Presentation of public statements of abandonment of harmful practices affecting children including child marriages by 444 villages;
- Participation of 15 108 women and adolescents in an educational dialogue programme;
- Commitment of 544 villages, or 4% of administrative villages of Niger to work towards the promotion and protection of the rights of children;
- Implementation of the restructuring process of social action services with the establishment of Social Prevention, Promotion and Protection Centres;
- 52 protection departments are operational, managed by hundreds of social workers and providing care services to children who are victims of violent abuses and exploitation including child marriages;
- 1467 children were catered for by protection services including 138 cases of threats or early marriages in 2016;
- 2516 children were catered for by protection agencies including 222 cases of threats or early marriages in 2017;
- Continuation of the Adolescents’ Initiative of Niger “ILLIMIN” which also aims at reducing child marriages and delaying early pregnancies among adolescents aged between 10- and 19-years school drop-outs, illiterate, married and unmarried girls.
XVII. RIGHT TO PEACE AND SECURITY

*Develop and strengthen existing measures in the area of combating terrorism and organized crime by taking inspiration from the Commission’s principles and guidelines on human and peoples’ rights in the fight against terrorism.*

548. Since Niger experienced the threat of terrorism and organized crime at its borders, it has never stopped taking and devising plans to prevent or contain these terrorist activities. These activities depend on the magnitude of the threat. Thus, apart from the intelligence and patrols in all areas placed under the state of emergency, Niger is fighting terrorism through its joint sub-regional forces. Lengthy paragraphs have been presented above on issues relating to security and the fight against terrorism.

*Ensure respect for international human rights law and international humanitarian law, particularly in using combat drones and carrying out impartial and independent investigations on all deaths caused by drones in order to arraign the alleged perpetrators before court and compensate the victims or members of their families.*

549. Niger is unaware of any errors committed on the civilian population by drones on its territory. In any case, in fighting against terrorism on its territory, it is ensuring respect for international humanitarian law.

XVII. EX extracTive indusTries and the environment

*Formalize the social responsibility of businesses through implementable legal obligations by means of legislation in order to guarantee participatory processes and gains at the local level from extracted resources and contribute to the development needs of adjoining communities.*

550. In the Model Law appended to the Mining Law, Article 18.2 states that:

“The mining company undertakes to contribute to the development of the communities in which they carry out their activities by participating in the financing of collective activities”.

551. Regarding the exploration phase, the contribution shall be negotiated with the Ministry of Mines. For instance, the following can be read from the Tinkaradet 2 Agreement: “*during the research phases, the company shall commit itself to pay an annual contribution of 20,000 dollars US for the development of all communities in the region in which it is carrying out its operations. A memorandum of understanding shall be signed with the Ministry in charge of Mines thirty (30) days after the date of the signing of the Order granting the permit for research, and it will specify the modality for the management and use of these funds. This contribution will be accounted for as research expenses in line with Article 10 supra. This contribution will particularly be used to finance collective infrastructural facilities and income-generating activities*”.

552. Thus, under the terms of the law, the financial volume of the activities of the operator under his social responsibilities shall be determined through negotiations between the Ministry of Mines and the latter. However, a better mechanism can be found by tying these obligations to a percentage to be determined from the turnover, which would be more objective.

*Adopt a legislation governing the small-scale mining sector and promoting awareness raising among the small-scale miners to ensure better protection of labour standards and the environment.*

553. The legislation was already in existence and it was reinforced by the adoption of Law No. 2017-03 of 30 June 2017 on the amendment of Order No. 93-16 of 2 March 1993 on the mining law. According to Article 43 (new) small-scale mining consists of extracting and collecting minerals in order to
recover it or the useful substances contained therein through manual and traditional methods and processes without any requirement of preliminary proof of a deposit.

554. The semi-mechanized mineral exploitation is to extract and put together mineral substances and recover the products thereof by using semi-mechanized methods without any preliminary requirement of proof of a deposit. The authorization for tailings heaps, slag heaps and mining and quarry waste is to treat and derive value from the rejected and waste materials and residue from mining operations. The processes, methods, equipment and tools that could be used for the semi-mechanized small-scale mining and the slag heaps, tailing impoundments and mining and quarry residue are specified by regulatory mechanisms.

555. Decree No. 2017-628/PRN/MM of 20 July 2017, amended and supplemented Decree No. 2006-265/PRN/MME of 18 August 2006, determining the modalities for the implementation of the mining law. According to Article 40 (new) “Shall be allowed to carry out semi-mechanized small-scale mining activities of slag heaps, tailing impoundments and mining and quarry residue:

- For small-scale mining operations
  - Any natural person of Nigerien nationality or citizen of any country that grants reciprocity to Nigerien citizens in this sector of activity and must be at least eighteen (18) years of age;
- For semi-mechanized mineral exploitation of slag heaps, tailing impoundments and mining and quarry residue
  - Any corporate entity under Nigerien law with total or part capital holdings by one or several Nigerien citizens”.

556. A preliminary study on the small-scale mining sector of Niger was conducted in January 2019. The objective of this study requested for by the government was to supply updated information on the Small-scale Mining Sector (EMAPE), and to improve the understanding of the socio-economic, environmental and humanitarian issues relating to small-scale mining since there is lack of information and data available to date. This study is aimed at analyzing, assessing and improving the understanding of the following aspects:

- The current legal and institutional framework governing the EMAPE sector in Niger;
- The role of stakeholders of the small-scale mining sector in Niger and the role and impact of State and non-State interventions;
- The EMAPE value chain and its contribution to the Nigerien economy;
- The organization of the EMAPE sector and gold mining operations, the technical methods for prospection, extraction, transportation and processing of gold;
- The characteristics and profiles of the small-scale miners and workers and other stakeholders in the small-scale mining value chain;
- The scope and the production capacity of the gold mining sector;
- The direct and indirect impact of the activities on the environment, health and security at the site and surrounding mining communities;
- The way and manner the current situation is contributing to and minimizing the risk of conflict.

557. The Ministry of Mines through its Directorate of Small-scale Mining and Quarrying (DEMPEC), organized a workshop in Bangoula in June 2019 on the supervision and management of the small-scale mining and small mines sector that brought together all the stakeholders operating in the sector. It also organized a fact-finding and multi-stakeholder sensitization mission in February 2019 with the assistance of the Competitiveness and Growth Support Project of the Komabangou small-scale mining site. The sensitization sessions were held several times at the Komabangou small-scale mining site. On the average, there were twenty (20) persons at these sessions.
558. The High Peace Consolidation Authority conducted a Study on Conflicts in the mining sector in Niger. The study which was carried out in the regions of Tillabéry and Agadez focused on industrial mines, quarries of building materials and on small-scale mining. Furthermore, the sensitization missions were undertaken by Regional Directorates of Mines of Agadez and Tillabéry.

*Adopt strategies for combating desertification for the preservation of the environment and the restoration of degraded environments.*

559. Concerning the obligation to reconstitute the environment for purposes of mineral exploitation, the mining agreement reveals that sites must be rehabilitated gradually and at the end of mining operations. This rehabilitation means ensuring safety of the degraded mining areas and their topographic development adapted to local climatic conditions in order to limit as much as possible the effects of potential natural degradations. Furthermore, it must be noted that Article. 75 of the mining code provides that the holder of an open permission and permanent quarry operation may give it up at any moment subject to a one month notification. However, the holder of the permission shall be responsible for the payment of fees and taxes due up to the time of renunciation and the obligations incumbent on him regarding the environment and rehabilitation of the mined sites even after the renunciation must have taken effect.

*Strengthen the legislative, regulatory and existing measures on protection of the surrounding communities from the effects of uranium exploitation.*

560. With regard to the uranium ore and its chemical processing with toxic products such as Sulphur, the effect is poor quality of air through emissions of sulphur dioxide which is harmful to the environment and to human health. However, Article 31 of the framework law No. 98-56 of 29 December 1998 relating to environmental management is quite explicit on this subject matter: *Development activities, projects and programmes, which as a result of their huge sizes or their impact on the natural and human environments that can bring injury to the latter are subject to prior authorization of the Ministry of Environment. This authorization shall be granted on the basis of an assessment of the effects of the activities, project and programme updated by an environmental impact assessment carried out by the promoter and certified by the Ministry of the Environment*."

561. The chemical products are part of the harmful products which, depending on the risks they pose, are divided into 12 classes in accordance with Article 3 of Decree No. 70-98 MTP/T/MU of 27 March 1970 relating to land transportation and handling of hazardous or foul materials. In accordance with Article 5 of the above-mentioned Decree, the transportation of the materials stated in Article 3 is subject to prior authorization provided for in other regulations particularly the Transport and Roads Code. In line with the provisions of Article 29 of Decree No. 2006-265/PRN/MME of 18 August 2006 determining the modalities for the implementation of the mining law, before any company obtains mining permission, it must carry out an environmental and social impact assessment. The study will take into account chemical products which will be used in processing of minerals by highlighting the impacts and the mitigating measures inherent in the use of these products.

562. However, the Environment Code particularly in Article 70 states that: “ *the harmful and hazardous chemical substances, which for purposes of the toxicity, radioactivity and concentration in the biological chains, pose or are likely to pose a danger to man, fauna and flora, the environment in general, when they are produced, imported into the national territory or transported into the environment, are subject to the control and surveillance of competent technical agencies in collaboration with the Ministry of the Environment*."
563. In the area of surveillance exercised by the authorities, Article 122 of Heading IX of the mining law states that: “Sworn engineers and officials of the Directorate of Mines are responsible for the administrative and technical supervision of research and mining works regarding mineral substances and those of their dependants. They contribute to the control of the implementation of the legislation and regulation of the work of the companies referred to in this Order. To this end, they shall have powers devolved on labour inspectors and jointly with them by the Labour Code”.

564. Mining offences are investigated by judicial police officers, sworn officers of the directorate of mines and all other commissioned agents in line with the provisions of the Criminal Procedure Code. The report presented under this Article is authentic until proven otherwise.