REPUBLIC OF NIGER

Fraternity-Work-Progress

PERIODIC REPORT OF THE REPUBLIC OF NIGER
2014-2016

ON THE IMPLEMENTATION OF THE
AFRICAN CHARTER ON HUMAN AND
PEOPLES’ RIGHTS

March 2017
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<td>ONC :</td>
<td>National Observatory for Communication</td>
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<td>ONDH/LF :</td>
<td>National Observatory for Human Rights and Fundamental Freedoms</td>
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<td>Description</td>
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<tr>
<td>ONIMED</td>
<td>Independent Media Observatory of Niger for Ethical and Professional Conduct</td>
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INTRODUCTION


2. It shall be recalled that Niger presented its combined 8th, 9th, 10th, 11th, 12th and 13th periodic reports (2003-2014) at the 56th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 21 April to 7 May 2015 in Banjul, The Gambia.

3. This report, which covers the period from April 2014 to April 2016, demonstrates the commitment of the State to fulfil its obligations under the Charter through the regular submission of reports to the African Commission on Human and Peoples’ Rights.

4. It was drawn up by the Interministerial Committee responsible for drafting the country’s reports to Treaty bodies and the Universal Periodic Review (UPR), in accordance with the “Guidelines for national periodic reports under the African Charter” adopted in 1989 and the “State Party reporting guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (ACHPR)”.

5. It presents legislative and administrative measures as well as new policies adopted since Niger submitted its last report. It provides an account of the progress made on human rights during the period under review by indicating to what extent the political and administrative authorities have given effect to fundamental rights and freedoms enshrined in the Charter. It also addresses the observations and recommendations made by the Commission following Niger’s presentation of its combined 2003-2014 report and the findings and recommendations contained in the report of the human rights promotion mission conducted in Niger by the Commission from 18 to 27 July 2011. The report includes information on the recognition, respect and implementation of the right to nationality in accordance with Resolution 234 on the right to nationality adopted on 23 April 2013 by the African Commission on Human and Peoples’ Rights.

6. For the drafting of this report, the Interministerial Committee adopted a participatory and inclusive approach that proceeded in several stages, namely: meetings for setting objectives, the formulation of a timetable and the allocation of tasks, and technical discussions throughout the process with representatives of the United Nations Development Programme (UNDP), the Office of the High Commissioner for Human Rights (OHCHR), the Danish Institute for Human Rights (DIHR). The National Human Rights Commission (CNDH) and civil society organizations (CSOs) were first consulted at the drafting phase. They then took part in the national report validation workshop attended by all stakeholders on 30 and 31 March 2017. The report was then transmitted to the Government for adoption by the Council of Ministers prior to its submission to the African Commission on Human and Peoples’ Rights.
7. This report is structured around two parts. The first part contains general information on developments in the legal and institutional framework relating to human rights protection since the last report. The second part assesses progress made in the implementation of the Charter from April 2014 to April 2016 and it covers civil and political rights, economic, social and cultural rights, specific rights, peoples’ rights and duties as stipulated in the Charter.

8. However, before expanding on these two parts, the report provides answers to the observations and recommendations made to Niger by the African Commission on Human and Peoples’ Rights following the presentation of its last report and the ACHPR’s human rights promotion mission of 2011.
RESPONSES TO THE CONCLUDING OBSERVATIONS OF THE COMMISSION ON THE COMBINED REPORT (2003-2014) OF THE REPUBLIC OF NIGER

9. Following the presentation of its previous report, concluding observations and 41 recommendations were made to Niger. These recommendations focused, inter alia, on the fight against human trafficking and smuggling, the protection of migrants and refugees, combatting child labour, the effective registration of births, press freedom, the NHRC, FGM, early marriage, the death penalty, prison overcrowding, education of young girls, health, the rights of persons with disabilities, the ratification of international instruments, and the practice of Wahaya.

10. Measures taken by Niger to incorporate the observations and implement the recommendations can be summarized as follows:

   i. **Adopt the necessary measures for the ratification and implementation of relevant regional and international human rights instruments;**

11. In terms of ratifications, it shall be noted that Niger is still not party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. Niger has ratified the International Convention for the Protection of All Persons From Enforced Disappearance.

   ii. **Make the declaration pursuant to Article 34 (6) on the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights;**

12. There has been no change at this level since the last report.

   iii. **Expedite adoption and enactment of draft codes and laws;**

13. In this regard, the following actions have been undertaken:

   - The draft Children’s Code was developed and is currently at the level of the Council of State for opinion.
   - Draft legislation on the protection of older persons was prepared by the Government and submitted to the Economic, Social and Cultural Council (CESOC) for observations and amendment.
   - The Code on Personal Status drafted in 2010 is yet to be adopted.

   iv. **Review national legislation to ensure compliance with international and regional human rights instruments ratified by Niger;**

14. As indicated in the previous report, a commission has been established within the Ministry of Justice and is in charge of carrying out reforms at the national level to ensure that domestic legislation is in accordance with those ratified at the international and regional levels. As part of its duties, this Commission has already carried out several reforms (Criminal Code, Code of
Criminal Procedure, Code of Civil Procedure, the law on juvenile courts). Other reforms are underway in various legal and judicial areas.

v. **Allocate to the National Commission on Human Rights the financial, human and material resources necessary for its operation;**

15. In accordance with the provisions of Law No. 2012-44 of 24 August 2012, the CNDH has the requisite means for its effective operation. Staff of this institution are either elected or recruited to carry out various administrative or investigative duties. The CNDH is housed in a fully-equipped building with rolling stock for its operation. Concerning its financial resources, Article 58 of the aforementioned Law stipulates that this institution shall have its own budget. Most of its resources are provided by the State (approximately 300,000,000 CFA francs per year). The Commission may however accept legally authorized gifts and bequests.

vi. **Advocate the use, during training of the police force and adoption of laws and policies, of the Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa adopted at the 55th Ordinary Session of the Commission.**

16. In this regard, it shall be noted that human rights issues were integrated into training modules as well as in the curricula of training schools for defence and security forces.

**Right to life (Article 4)**

vii. **Take necessary measures to abolish all provisions in the Criminal Code relating to the death penalty.**

17. There has been no change in this regard since the last report.

**Right to the respect of the dignity inherent in a human being (Article 5)**

viii. **Include specific provisions in the Criminal Code on the definition and punishment for torture, in line with the International convention against torture and cruel, inhuman or degrading treatment or punishment and the Robben Island Guidelines adopted by the Commission;**

18. A reform of the Criminal Code is planned to include torture as a specific offence that is punishable. The bill is currently in the process of being adopted.

ix. **Take measures aimed at popularising the Robben Island Guidelines, specifically targeted at officials responsible for implementing the laws;**

19. Activities were carried out to popularise and provide training on human rights related international and regional legal instruments targeting officials responsible for implementing the laws. However, the Robben Island Guidelines are yet to be popularised.

x. **Strengthen existing policies and programmes with a view to ending slavery practices;**

20. First of all, it should be recalled that, as part of efforts to combat human trafficking and related practices including slavery, Niger developed an Action plan for 2014-2018 which was adopted pursuant to Decree No. 2014-488/PRN/MJ of 22 July 2014. This action plan includes 6 strategic areas, one of which specifically focuses on heightened law enforcement through the implementation of activities to identify and punish practices relating to the exploitation of
persons. Such practices include begging, prostitution, forced labour, domestic work, slavery and similar practices, and organ removal.

xi. **Strengthen the operational and institutional capacities of institutions in charge of preventing and combating trafficking in persons, especially women and children;**

21. With a view to strengthening the operational and institutional capacities of institutions in charge of preventing and combating trafficking in persons, especially women and children, training sessions were held for members of two institutions in charge of combating trafficking in persons, namely CNCLTP and ANLTP.

22. Ordinance No. 2010-086 on trafficking in persons was also revised to incorporate new offences. In addition, Law No. 2015-36 of 25 May 2015 on migrant smuggling was adopted.

23. It should also be noted that a draft order revising the framework for action of the ANLTP and of the commission is in the process of being adopted.

24. As part of efforts to further strengthen operational and institutional capacities, an action plan was adopted to combat trafficking as well as standard operational procedures for the management of migrants. In addition to these actions, several framework cooperation agreements have been signed with the EU at the multilateral level and with Italy and Spain at the bilateral level.

xii. **Establish and operationalize a compensation fund for victims of trafficking.**

25. A draft decree on the special compensation fund for victims of trafficking and slavery has been prepared and is in the process of being adopted.

Right to justice and fair trial (Article 7)

xiii. **Accelerate the review of cases regarding persons in police custody and ensure compliance with statutory deadlines in the handling of cases before the courts;**

26. In this regard, it should be mentioned that the judicial system in Niger has been through several changes with the establishment of new pre-trial chambers, new courts in administrative departments, and the implementation of swift court proceedings including plea bargaining. Regarding compliance with statutory deadlines, in addition to the legal provisions contained in the Criminal Code and the Code of Criminal Procedure, a system of legal aid and advice has been established and UNV legal officers assigned to the courts have helped to ensure improved timeliness of judicial proceedings. Moreover, checks are routinely performed by the General Inspectorate of Judicial Services, trial chambers, and the Assize Court during its sessions as well as by the CNDH.

xiv. **Reduce overcrowding in prisons through the adoption of measures including alternative sanctions, non-custodial sentences and community service in particular;**

27. The reform of the prison system initiated by the Ministry of Justice led to the drafting of a bill on community service. This bill addresses the need to reduce overcrowding in prisons
through community service, which will now be extended to include juvenile repeat offenders and adults in addition to first-time offenders. It is already tabled for discussion during the current sitting of the National Assembly. Previously, community service was instituted by a decree and this alternative sentence could not be applied to adults or repeat offenders. Under this former legislation, a national committee was established by Order No. 78/MJ/DGAPS/R of 17 June 2014 to monitor implementation of this measure.

xv. Adopt the necessary measures to facilitate access to the public judicial system for citizens;

28. The judicial system has undergone several changes to take into account the need to bring justice closer to the people. These changes include the creation of new courts in administrative departments where none existed, thereby helping to establish coherency between jurisdictions and these administrative areas. Social services were also set up within 10 district courts and 15 social workers recruited to work in these courts. The ANAJJ was operationalized to assist vulnerable persons who have dealings with the judicial system, minors in particular, and clerks appointed to juvenile courts in 10 district courts. Lastly, establishment of the Bureau for Information, Complaint, and combating Corruption and Influence Peddling (BIRLC/TI) also contributed to facilitating access to justice by educating the people.

29. Address the modernization of the judicial system.

The right to receive information and freedom of expression (Article 9)

xvi. Adopt regulations aimed at eliminating harmful content disseminated via the Internet taking into consideration the right to freedom of expression and access to information guaranteed by the Constitution;

30. Niger has signed the African convention on cyber security and adopted Ordinance No. 99-045 of 26/10/99 regulating the telecommunications sector. However, there is no specific regulation on eliminating harmful content disseminated via the Internet. Furthermore, Law No. 2003-25 of 13 June 2003 provides for the punishment of certain computer-related offences through the application of articles 399.2 to 399.9 of the Criminal Code. Also, a draft law on the protection of personal data has recently been submitted to the National Assembly for adoption.

Freedom of association and assembly (Articles 10 and 11)

xvii. Draft a law on the protection of the rights of human rights defenders in accordance with the provisions of the United Nations Declaration on Human Rights Defenders, the Kigali Declaration and the Grand Bay Declaration;

31. Niger is currently drafting legislation on the protection of human rights defenders with the support of CSOs working in this area.

Property rights (Article 14)

xviii. Adopt policies and programmes promoting access to housing for citizens, including social housing;
32. To make housing affordable for citizens, the Government developed and implemented a social housing construction and land development programme. The objectives include:

- the construction of 1,000 social housing units per year;
- the development of 2,000 serviced plots per year;
- a reduction in the cost of housing by encouraging the use of local construction materials and improving access to building loans.

It is worth noting that a housing bank was also created by Niger to facilitate access to building loans for the population.

33. See point F (Right to housing) of the report for further details on related policies and programmes.

B. Right to work (Article 15)

**xix. Continue ongoing efforts to reduce unemployment and household poverty;**

34. The poverty index dropped significantly between 2005 and 2014, from 62.1% to 45%. The depth of poverty measured by the poverty gap ratio decreased from 24% in 2005 to 13% in 2014. The severity of poverty fell by more than a half between 2005 and 2014, from 12.3% to 4.9%. The National Employment Policy adopted in 2009 seeks to “place job creation at the centre of the objectives of economic and social policy development at the national, regional and local levels for the sustainable reduction of poverty and the improvement of the living conditions of each citizen of Niger”. It prioritizes the development and implementation of specific job creation and promotion programmes for vulnerable groups including young people, women and persons with disabilities. The ongoing projects in the area of job creation and poverty alleviation are:

- the President of the Republic’s Renaissance Programme (second phase) involving job creation;
- the “Niamey Nyala” or “Niamey la coquette” project targeting urban infrastructure development and road works, which should lead to the creation of several jobs;
- the 3N Initiative (*Nigériens Nourrisent les Nigériens* – Nigeriens Nourish Nigeriens), a policy to mitigate the food crisis, reduce unemployment rates among the most disadvantaged socio-professional categories including young people in rural areas and women.

35. The ANPE job promotion programmes were assessed in 2014, after several years of implementation. The resultant recommendations led to the development of a single programme with three components:

- the internship contract for initiation into the world of work (COSIVIP) for graduates of higher and vocational education seeking first employment;
- the Professional Reconversion Contract (CRP) for graduates of higher, technical and vocational education and for those who have lost their jobs;
- the Enterprise Creation Support Programme (PACE) intended to promote entrepreneurial spirit among young people and to help them in the process of setting up businesses.
36. Implementation at the level of the Ministry of Employment, Labour and Social Protection should also be noted of a Youth Employment Programme for Public Works in Communes, which is a programme to mobilize unemployed youths for labour-intensive and public utility works in urban and rural areas. These works include:
- the construction of gutters and pedestrian sidewalks;
- cleaning out gutters and sewers;
- disposing of household refuse and bio-oxidizable materials;
- planting and taking care of trees along major streets;
- raising awareness on issues related to health, education…

37. The target population is made up of young people aged 18 to 35, men and women, graduates, school dropouts, without occupation and regularly registered in the records of communes as job seekers or residents. It equally concerns the long-term unemployed.

Right to health (Article 16)

xx. Increase the budget allocated to basic social services and in particular to the health sector;

38. The health sector, like the other sectors, suffers from a low level of domestic resource mobilization. Funds allocated to the sector are inadequate in light of the increasing health needs.

39. The proportion of the national budget allocated to healthcare has been 5.73% on average over the past five years. It increased slightly from 5.35% in 2014 to 6.28% in 2015. Despite this slight increase and the commitment and stated willingness of the Government to finance the PNS to the tune of 10% of the national budget during its implementation period (2002-2015), Niger has not yet reached recommended standards.

40. Households therefore continue to bear the brunt of health financing. Direct payments made by households is the primary method of health financing, representing 52.27% of healthcare spending in 2015 compared to 54.91% in 2014, despite efforts deployed by the State and its partners to develop systems aimed at pooling healthcare risks.

41. Healthcare financing per capita increased from 15,190 CFA francs in 2014 (approximately US$30) to 17,643 CFA francs in 2015, i.e. US$35. It is lower than the WHO estimate of US$44 per year and per capita for basic healthcare interventions.

xxi. Increase the number of health facilities particularly in rural areas to ensure increased access for all segments of the population;

42. The number of integrated health centres (CSI) increased from 860 in 2014 to 960 in 2016 and health huts from 2,262 to 2,512 during the same period. The number of district hospitals remains unchanged at 33. This slight increase in the number of health facilities did not have
much impact on health coverage which stands at 48.33% in 2016 according to the results of the annual sectoral review. More than half of Niger's population continue to walk over 5 kilometres to access basic health services. The issue of equal access to healthcare between urban and rural areas remains crucial. The health coverage rate varies from 98.39% in Niamey to 37.66% in Zinder for example.

43. To address equity challenges at the peripheral level and ensure coverage for populations living beyond a distance of 5km from an integrated health centre, the Government, with the support of partners, has embarked on a certain number of reforms including: (i) the transformation of health huts into integrated health centres, (ii) continued delivery of free healthcare for children under 5 years and women, (iii) deployment of doctors to integrated health centres, (iv) strengthening of community-based strategies, (v) consolidating the delivery of certain healthcare services through outreach, mobile and local strategies, and (vi) implementation at the community level of the strategy on the integrated management of childhood illnesses for under 5s.

xxii. Adopt all necessary measures to reduce maternal and child mortality rates;

44. The Government and its partners continue to deploy significant efforts in favour of women and children who represent a vulnerable group.

➢ Reducing maternal mortality

45. Reducing maternal mortality is a major challenge for Niger. Strategies targeting rural populations, women with little or no formal education and the poorest women, are currently being reinforced so as to drastically reduce maternal mortality.

46. The INS report on progress towards achieving the MDGs showed a decline in the maternal mortality rate from 535 for 100,000 live births in 2012 to 520 in 2015. Among the contributory actions, mention can be made of:

- free prenatal consultations, caesarean section, contraceptives and condoms;
- the implementation of the Health Development Plan, which prioritizes the improvement of maternal health;
- the National Programme for Reproductive Health (PNSR, 2005);
- the implementation of the Roadmap to accelerate the reduction of maternal and neonatal mortality;
- the national IEC strategy for reproductive health;
- the acquisition of new reproductive health infrastructures;
- the increase in human resources, particularly the number of midwives, which rose from 493 in 2004 to 1,053 in 2014, representing an increase of 114%.

Niger has adopted and implemented a number of policies and programmes to reduce child mortality. These have indeed had significant positive effects on some indicators.

47. The child mortality rate has thus remained virtually stable between 2011 and 2015. From 127 to 126‰. Infant mortality was constant at 51 ‰ between 2011 and 2015, representing an
average annual decrease of 3.1 percentage points. The following can be cited among actions undertaken:

- the extension of the country's health coverage;
- definition of mother and child health as a priority in the 2011-2015 Health Development Plan;
- implementation of the routine Expanded Programme on Immunization (EPI) and immunization campaigns (99% reduction in measles morbidity and 97% in mortality related to measles);
- intensification of the fight against the various forms of malnutrition;
- campaigns for the distribution of vitamin A and treated mosquito nets;
- effective implementation of free prenatal consultations, caesarean sections and healthcare for children under 5 years of age;
- the increase in health personnel.

**xxiii. Develop strategies to eliminate the informal and illegal sale of medicines;**

48. Though assessment of the illegal sale of medicines in Niger can prove to be difficult as a result its complexity (number of actors, diversity of interests, the significant number of illegal transactions, etc.), it seemingly represents 70 to 80% of the national pharmaceutical market.

49. Regulatory provisions on combating this illegal market are contained in the decree setting the implementation modalities of Ordinance No. 97-002 on pharmaceutical legislation and specific orders relating to the pharmaceutical field. Actions undertaken to keep illegal medicines of the market include:

- establishment of a multi-sector platform to fight against counterfeiting and the illegal sale of medicines and other pharmaceutical products;
- development of a national strategy to fight against counterfeiting and the illegal sale of medicines;
- organization of an international conference on counterfeit medicines in November 2013 with the involvement of First Ladies;
- participation in discussions between departments of pharmacy in the UEMOA zone on authenticating authorizations issued for importation;
- public awareness raising and advocacy with policy makers for full compliance with legislation relating to the pharmaceutical field;
- Increased financial and geographical accessibility and availability of essential generic medicines in public health facilities to meet the needs of populations.

50. The following prospects shall be noted:

- Increased application and control of related legislative and regulatory instruments;
- Improved pricing policy of medicines;
- Adoption and implementation of the National Strategy on combating the illegal market and counterfeiting medicines.
xxiv. **Adopt all necessary measures to ensure food and nutrition security for the populations;**

51. Information on measures taken to ensure food and nutrition security of populations is extensively discussed in “Point H. Right to food” of the present report.

**Right to education (Article 17)**

xxv. **Take all appropriate measures to increase the literacy rate among women in particular;**

52. At 31%, the literacy rate remains a challenge to be addressed by the State through the Ministry of Primary Education, Literacy, and Promotion of National Languages and Civic Education (MEP/A/PLN/EC). This has led authorities to include the following in the Education and Training Sectoral Programme (PSEF 2014-2024):

- an increased number of village libraries to create a literacy environment;
- implementation of the literacy and non-formal education programme based on the existing “faire faire” strategy;
- adoption of the draft decree on the National literacy and non-formal education policy and the three-year action plan (2015-2017);
- adoption of Decree No. 2010-724/PCSRD/MFP/A of 21 October 2010 approving the statutes of the Literacy and non-formal education training institute (IFAENF).

xxvi. **Take all necessary measures to further develop the arts and culture industry;**

53. As part of efforts to promote the cultural sector, Niger established in 2016 the Ministry of Cultural Renaissance, Arts and Social Modernization. This was in addition to the introduction in 2014 of the “Performing Arts” programme at the Faculty of Arts and Social Sciences of the University Abdou Moumouni in Niamey. In order to help professionalize Nigerien artists, the Ministry of Culture allocated 25 million CFA francs to the artists’ support fund. In 2014, 17 out of 55 applications were approved (in the areas of literature, festivals, music and capacity building for cultural artists).

54. The institutionalization of the national festival of female singers "Dalweizé” should also be noted.

55. Cultural activities for children include:

- The arts and cultural integration festival “SUKABE” attended each year during the holidays by children from the sub-region;
- The summer camp organized each year by the National Social Security Fund (CNSS), the Nigerien Petroleum Company (SONIDEP), the Nigerien Electricity Company (NIGELEC) and a few private schools;
- The scout movement of Niger;
- Elementary school, a national televised programme in which primary school pupils recite, sing and dance under the supervision of a moderator;
- Annual celebrations dedicated to children organized at the National Museum of Niamey by the private TV broadcaster Dounia (Baby Fiesta);
- End of year celebrations and fairs organized by schools;
- The young children’s section (3 to 5 years) organized by the MPF/PE;
- Children’s theatre organized by the Franco-Nigerien cultural centre Jean Rouch in Niamey;
- The “salt cure” organized by the ministries in charge of culture and livestock;
- The organization each year of celebrations on 18 December;
- The Festival of Air;
- The national sabre competition.

Rights of women (Article 18, Paragraph 3).

xxvii. Abrogate all discriminatory provisions in the legislation against women and further support campaigns to raise awareness among populations, traditional and customary leaders with a view to encouraging a change in attitudes and prejudices in society against young girls and women in Niger.

56. Efforts were made by the State to abrogate discriminatory provisions against women in some pieces of legislation, including Law No. 2014-60 of 5 November 2014 amending Ordinance No. 84-33 of 23 August 1984 establishing the Niger Nationality Code, which now recognizes transmission by a woman of Niger nationality to her foreign husband.

57. Progress was also made in terms of public awareness raising. Sermons were delivered by Ulemas in partnership with the Ministry of Women’s Empowerment and Child Protection in towns, villages and certain Koranic schools. Other actions are being conducted including:

- advocacy by the Alternative Espaces Citoyens for the promotion of gender-responsive budgeting at the level of communes;
- production and broadcasting of a televised series “Délou” by Alternative Espaces Citoyens, Afrique Fondation Jeune and Oxfam. This series, aired on national television, is based on the Edutainment strategy (education through entertainment) and focuses on the participation of women and young people in the political scene in Niger. It aims to change negative perceptions on the role and place of women and young people in the Nigerien society.

xxviii. Take all necessary measures to address the issue of sexual and domestic violence and prosecute perpetrators;

58. Niger has adopted several legislative measures to fight against sexual and domestic violence. These include:

- The Ordinance on trafficking which also punishes domestic and sexual violence;
- The Labour Code (Article 45 which prohibits sexual harassment);
- Launch of the process to develop a national strategy on combating GBV and a related action plan.

59. Perpetrators of domestic and sexual violence are prosecuted in accordance with Article 283 et seq. of the Criminal Code.

   xxix. Ensure effective implementation of the law on female genital mutilation and adopt measures to eradicate the practice of early and forced marriage by setting the minimum age for marriage at 18 years.

60. Since its entry into force in 2003, the law on female genital mutilation continues to be implemented. In 2016 in the Tillabéry region, the most affected by this phenomenon, a total of 16 female excision practitioners were retrained. Moreover, the Committee against harmful traditional practices in Niger has established 186 alert brigades at the village level. 193 female excision practitioners were retrained between 2000 and 2016. 3,300 villages, islands and communities were reached through awareness-raising activities. Also, four sentences were delivered against female excision practitioners between 2010 and 2014. Niger is among those who advocated for the adoption of resolution 67-46 of 2012 prohibiting FGM practices.

61. Actions undertaken to put an end to child marriage include:
   - implementation of the “Illimin zaman douniya” programme with the support of UNFPA to reduce the rate of forced child marriage as well as early pregnancy among the most vulnerable women;
   - development of an action plan to combat child marriage.

   xxx. Increase to 30% the quota of women in elective office and decision-making bodies;

62. The Government has deployed efforts to increase the representation of women in decision making bodies with the adoption of the law of 5 November 2014 amending and supplementing Law No. 2000-008 of 7 June 2000 introducing a quota system for either gender in elective and appointed positions, increasing the rate from 10 to 15% for elective office. It is worth noting that the rate for appointed positions has not varied and stands at 25%.

Rights of the child (Article 18, Paragraph 3)

   xxxi. Take the necessary measures to prevent and eradicate child labour and exploitation, particularly in mines and artisanal industries and prosecute alleged perpetrators;

63. Niger has adopted the following measures to prevent and eradicate child labour and exploitation. The following actions can be mentioned within the framework of combating the worst forms of child labour:
The employer shall be obliged to send a prior declaration to the labour inspector of the jurisdiction who shall have eight (08) days to notify him of his possible agreement or disagreement.

In any case, the worst forms of child labour shall be prohibited:

1. All forms of slavery or similar practices, such as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts;
2. The use, recruitment or offering of a child, the production of pornographic material or pornographic performances;
3. The use, recruitment or offering of a child for illicit activities, particularly for the production and trafficking of narcotic drugs, as defined by the relevant international conventions;
4. Work which, by its nature or the circumstances in which it is executed, is likely to undermine the health, safety or moral standards of the child”.

64. In parallel, the Government adopted the following measures to combat child labour:
- Order No. 00380/T/DGAT/DTSS of 5 April 2005 on the creation and organization of the National unit to combat child labour;
- Order No. 0602/MFP/T/DGAT/DTOP of 5 May 2012 on the creation, organization, composition and functioning of the National Steering Committee to combat child labour in Niger;
- Ratification of ILO Convention 182 on the worst forms of child labour and ILO Convention 138 on minimum age;
- Ongoing development of an action plan to combat child labour;
- Establishment of a national framework for consultation among stakeholders on preventing and reducing child labour in the agricultural sector (CNA/PRTA) pursuant to Order No. 042/MAG of 23 May 2015. This is a platform whose objectives are to identify the worst forms of child labour in the agricultural sector, remove children from such environments, protect them from reprisals, and ensure their rehabilitation and social integration according to their needs;
- Establishment of a National committee on childhood protection composed of the Ministry in charge of Justice, Population and Child Protection, NGOs, UN agencies and technical and financial partners.

65. Child labour in the mining industry is mainly an issue in gold-mining practised in several parts of our country including Liptako Gourma where gold is mined in an artisanal manner. It is also found in salt and natron extraction sites in certain regions of the country.

66. To combat such practices, the Ministry of Interior issued a circular formally prohibiting child labour in mines and quarry areas in Tillabéry, Tahoua and Agadez and the Ministry of Mines received directives to include this prohibition measure in mining contracts.

67. In terms of efforts to combat child labour, Niger places emphasis on:
- awareness-raising to inform public opinion of the dangers that children face when working under such dangerous conditions;
- support to the most vulnerable families to protect their children from exploitation;
- prevention of exploitation through education.

**xxxii. Continue and strengthen ongoing efforts to fight against human trafficking and in particular, child trafficking:**

68. The National Agency to combat trafficking in persons has conducted several activities in the following areas:
- capacity building for magistrates, defence and security forces, social workers, legal trainees, traditional leaders, trainee lawyers, radio show hosts, CSOs and other State officials;
- awareness-raising activities: public conferences, televised debates, production of short plays on human trafficking;
- information and lobbying activities at the National Assembly for the law on smuggling migrants.

**Table 1: ANLTP activities 2013-2016**

<table>
<thead>
<tr>
<th>ACTIVITIES IMPLEMENTED</th>
<th>CAPACITY BUILDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YEAR</td>
</tr>
<tr>
<td></td>
<td>2013</td>
</tr>
<tr>
<td>Magistrates</td>
<td>131</td>
</tr>
<tr>
<td>Defence and security forces</td>
<td>104</td>
</tr>
<tr>
<td>Social workers in courts</td>
<td>10</td>
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<tr>
<td>Legal trainees</td>
<td>21</td>
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<tr>
<td>Trainee lawyers</td>
<td>19</td>
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<tr>
<td>Traditional leaders</td>
<td></td>
</tr>
<tr>
<td>Radio show hosts</td>
<td>43</td>
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<tr>
<td>Civil society members</td>
<td>105</td>
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<td>CNLTP/ANLTP/MJ officials</td>
<td>25</td>
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</table>
### Rights of persons with disabilities (Article 18 paragraph 4)

**xxxiii.** *Increasing the number of schools for children with disabilities, especially schools for visually impaired children;*

69. The number of schools for children with disabilities, especially schools for visually impaired children has increased from 13 in 2012 to 17 in 2016.

**xxxiv.** *Organize public awareness campaigns to combat the stigmatization of people with disabilities;*

70. To mark the celebration of the National and International Day of Persons with Disabilities, public awareness-raising campaigns are carried out to raise awareness on the rights of persons with disabilities and to change the stigmatizing image the public may have vis-à-vis such

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**AWARENESS-RAISING**

<table>
<thead>
<tr>
<th>ACTIVITIES (mobilization)</th>
<th>NUMBER</th>
<th>2013</th>
<th>2014</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public conferences</td>
<td>9</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Televised debates</td>
<td>10</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Short plays on trafficking</td>
<td>French, Hausa, Zarma</td>
<td>Broadcast for 1 month</td>
<td>Broadcast for 2 months</td>
<td>2 months</td>
</tr>
</tbody>
</table>

**PARLIAMENTARY INFORMATION**

- Information and lobbying activities at the National Assembly for the law on smuggling migrants: 113 parliamentarians
- 2 sittings

**STUDIES AND LEGISLATION**

- CAP studies: 2
- Legislation: 4, 2, 1, 1

**DOCUMENTS AND DATABASE**

- Data base: 1

Source: ANLTP 2016
persons. In 2015, the Niger Federation of People with Disabilities (FNPH), with the support of the European Union, organized an awareness-raising campaign on the importance of civil status and civil rights in the regions of Tillabéry, Dosso, Niamey and Tahoua.

**Rights of older persons (Article 18 paragraph 4)**

**xxxv. Strengthen and expand social programmes for older persons**

71. In 2015, Niger set up Councils for older persons in an effort to strengthen actions in favour of the elderly. A draft law setting the conditions and modalities for the social protection of older persons was thus prepared.

**The right to peace and security (Article 23)**

**xxxvi. Adopt the necessary measures to guarantee security throughout the territory;**

72. In order to safeguard people and their property and facilitate the movement of troops following the incursions of the terrorist group Boko Haram and other jihadist groups, the Government decided to declare a state of emergency in the Diffa region in 2015. Every three months, this safeguard measure is renewed by Ordinance after authorization of the National Assembly and extended to other regions.

73. It should be made clear that the right to security is guaranteed through the mobilization of substantial budgetary resources for the security sector and the deployment of defence and security forces through permanent patrols nationwide.

74. Furthermore, in order to strengthen the legal and institutional frameworks for combating terrorism, Niger revised its Criminal Code and Code of Criminal Procedure (in 2016) with a view not only to tackling the issue of children involved in the fight against terrorism, but also to making the suppression of terrorism and certain related offences more effective.

**xxxvii. Ensure strict compliance with the fundamental principles of human rights during anti-terrorism operations to avoid arbitrary arrests and detention and other forms of human rights violations;**

75. To ensure strict compliance with the fundamental principles of human rights during anti-terrorism operations to avoid arbitrary arrests and detention and other forms of human rights violations, the State adopted three laws the implementation of which significantly improves the handling of cases relating to transnational organized crime and terrorism. Chapter 1 of Law No. 2016-21 of 16 June 2016 on the amendment of the Code of Criminal Procedure hence determines the competence of national courts, sets the time limits for police custody and pre-trial detention, time limits for prosecution as well as the rules governing cases of transnational crime and terrorism. These various provisions ensure protection of the rights of the defence. As an illustration, Article 605.5 of the Code of Criminal Procedure identifies a certain number of rights of the defendant:

- the duration of police custody is reduced to 15 days, renewable once on the written authorization of the anti-terrorism prosecutor’s office;
- the suspect is notified about his right to have a legal counsel from the 48th hour in custody;
- the right to be examined by a doctor to attest to the fact that he has not suffered any bodily harm while held in police custody.

76. Law No. 2016-22 of 16 June 2016 amending the Criminal Code now ensures that certain offences, such as in the aforementioned cases, are referred to the criminal court and the judicial chamber specializing in combatting terrorism will decide in first instance. These offences include advocating and inciting acts of terrorism, conspiracy to commit acts of terrorism and providing safe havens for terrorists as provided for in articles 399.1.17, 399.1.19 and 399.19 of the Criminal Code. Judgment can be delivered within a relatively short period with sentences ranging from 5 to less than 10 years imprisonment. The referral of the abovementioned offences to the criminal court is part of efforts to accelerate the processing of cases and ensure a speedy trial.

77. Also, the judicial system was revised to take into consideration the cases of minors allegedly involved with terrorist groups; in accordance with the new law, juvenile court judges have been integrated into the anti-terrorist chamber to exclusively handle cases involving minors. The investigation of matters concerning them and the judgment thereof are carried out in accordance with the provisions of Law No. 2014-72 of 20 November 2014 which determine the competences, powers and functioning of juvenile courts in Niger.

The right to a healthy environment (Article 24)

xxxviii. Develop strategies to fight more efficiently against pollution by extractive industries in mining sites;

78. There are no strategies other than the measures taken by the State to fight more effectively against pollution due to extractive industries at mining sites.

xxxix. Take all necessary measures to safeguard environmental resources.

79. The legislation on safeguarding environmental resources has not evolved since the last report was submitted.

80. However, in the context of environmental management, Niger recruited 1,246 forestry and fauna agents and officials as well as 63 helpers. Actions undertaken resulted in the reclaiming of 245,025 hectares of degraded land, replanting of 135,175 hectares of land as well as the collection and disposal of 719,190.44 tons of solid waste and 1,850 tons of plastic waste by the end of 2014.

81. Regarding environmental management for sustainable development, 81 environmental compliance certificates were issued by the BEEEI.

82. Furthermore, it should be noted that Niger fulfilled its international commitments by allocating 14.29% to biodiversity conservation and was commended in this regard by the Executive Secretary of the United Nations Convention to Combat Desertification on 25
February 2013. It also became eligible for the Millennium Challenge Corporation (MCC) programme.

83. A National Environment Fund was established to finance the environmental policy.

84. The Government of Niger, in collaboration with institutions and partners, develops and implements a National Environmental Plan for Sustainable Development which is revised every 5 years.

Presentation of periodic reports (Article 62)

xl. Submit periodic reports in accordance with the provisions of Article 62 of the African Charter;

85. Niger has, since 2014, cleared the backlog in the submission of periodic reports to the ACHPR. With the submission of this report covering the period from 2014 to 2016, it is now up-to-date in this regard.

xli. Inform the Commission, in its next periodic report scheduled in 2017, of measures taken to address areas of concern and to effectively implement recommendations in the present Concluding Observations.

86. The periodic report of Niger for the 2014-2016 period is incorporated in the present document from paragraph 151 below. It describes measures taken to address areas of concern and effectively implement recommendations made in the Concluding Observations.

RESPONSES TO RECOMMENDATIONS OF THE COMMISSION FOLLOWING THE HUMAN RIGHTS PROMOTION MISSION TO THE REPUBLIC OF NIGER CONDUCTED BY COMMISSIONER SOYATA MAIGA (JULY 2011)

On legal and political conventions and instruments

1. Ratify all international, regional instruments on the promotion and protection of human rights, particularly the Protocol to the African Charter on Human and Peoples’ Rights relating to women's rights in Africa (Maputo Protocol) ; the African Union Convention for the protection and assistance of internally displaced persons (the Kampala Convention) ; the African Union Convention on Preventing and Combating Corruption ; the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Punishments and Treatments ;

87. Niger is party to the AU Convention for the protection and assistance of internally displaced persons (the Kampala Convention) of 10 May 1992 and the AU Convention on preventing and combating corruption, which it ratified on 3 March 2006. Niger also ratified the Optional Protocol to the Convention against torture and other cruel, inhuman or degrading punishments and treatments on 7 November 2014.
2. Make the Special Declaration stipulated in Article 34(6) of the Protocol on the establishment of the African Court on Human and Peoples’ Rights;

88. Niger is yet to make the special declaration stipulated in Article 34(6) of the Protocol on the establishment of the African Court on Human and Peoples’ Rights.

3. Fast-track the establishment of a National Commission on Human Rights, in accordance with the Paris Principles, and provide it with adequate human and material resources;

89. Niger established in 2011 a National Commission on Human Rights, in accordance with the Paris Principles, and provides it with adequate human and material resources as indicated in the response to Recommendation No. 5.

4. Continue the discussion with all stakeholders on the issue of the abolition of the death penalty, the problem of security and the conditions for a return to sustainable peace

90. Regarding the issue of the abolition of the death penalty, discussions are ongoing with the civil society coalition against the death penalty. Representatives of the State participated in activities conducted by the coalition.

91. Concerning the issue of security and conditions for a return to sustainable peace, significant improvements have been noted:

- Establishment of the High Authority for Peace Consolidation pursuant to Decree No. 2011-117/PRN of 17 February 2011, whose role is to “cultivate a spirit of peace and dialogue among the country’s various communities and maintain a spirit of mutual trust, tolerance and respect out of a shared desire to live together”.
- The adoption of several legislative and institutional measures to combat terrorism and strengthen the operational capacities of defence and security forces. For further information on the right to security, refer to point 5 “The right of peoples to peace and international security (Article 23)”.

5. Adopt a law to criminalize the practice of torture;

92. Niger is yet to adopt a law criminalizing torture. However, a draft law amending the Criminal Code is being prepared which provides for the definition of torture and its characterization as torture. This draft law is in an advanced stage in its development process. Moreover, the Code of Criminal Procedure stipulates that all detainees in police custody must be examined by a doctor prior to being prosecuted. This provision was added to prevent suspects from being subject to physical or mental torture while held in police custody.

6. Accelerate the process for the adoption of the law to combat human trafficking

93. Niger adopted in 2010, Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons. Draft amendments to this law are currently being prepared to include new offences.
On justice and human rights

7. **Fast-track the adoption of the bill on the establishment of a legal assistance fund**

94. Niger adopted Law No. 2011-42 of 14 December 2011, defining the applicable rules for legal and judicial assistance and creating a public institution with an administrative character referred to as the National Legal and Judicial Assistance Agency (ANAJJ). Under this law, the Agency receives funds from the State and from its partners to fulfil its mission.

8. **Ensure the presence of counsel right from the preliminary hearing;**

95. Article 71, paragraph 2 of the Code of Criminal Procedure stipulates that “the suspect is notified about his right to have a legal counsel from the 24th hour in custody failure of which renders the procedure void”.

96. Likewise, Law No. 2011-42 of 14 December 2011 defining the applicable rules for legal and judicial assistance requires the criminal investigation officer to notify the suspect of his right to counsel from the 12th hour in custody failure of which renders the procedure void.

9. **Strengthen and increase the number of training programmes in human rights for magistrates, lawyers, court clerks and other court officials;**

97. The Ministry of Justice, within the framework of its partnership with IDDH and the EU, edited a manual in 2009 on human rights for use by magistrates. Subsequently, manuals were developed for use by the police and national guard. Each year, a series of training sessions are organized for magistrates; 13 training sessions on these manuals were hence organized over the 2009-2016 period for magistrates and defence and security forces. The contents of these manuals have been integrated into the pre-service training programmes of the national guard and the police. Training programmes in human rights are also organized for lawyers, court clerks, prison authorities and other court officials.

A total of 33 court clerks were trained.

98. It is worth noting that the UNDP financed training in human rights for prison staff and police officers during the 2012-2013 period. The EU, through PAJED II, also financed training in human rights with a special focus on the rights of detainees for 38 prison directors in 2014-2015.

10. **Introduce a module on human rights during the initial training of officers of the Prisons Service and the Criminal Investigation Department;**

99. As indicated in the previous paragraph, human rights training manuals were developed for the national police force and the national guard. Modules on the rights of the child were also introduced in training programmes for defence and security forces in 2014.

11. **Organize the system for the amicable settlement of disputes and ensure the mentoring and training of traditional conciliators, in accordance with the law and respect of human rights;**
100. In Niger, the status of traditional authority is governed by Law No. 2015-01 of 13 January 2015. Under the provisions of its Article 18, “the traditional chief has the authority to settle disputes between parties on customary, civil and commercial matters. It shall rule according to custom on the use of agricultural and pastoral lands by families or individuals, over which the customary community it has oversight responsibility of, has established customary rights.

In any case, it prepares reports on these conciliatory issues which must be recorded in an ad hoc register, a copy of which is transmitted to the administrative authority and competent jurisdiction. These reports, signed by all parties, can under no circumstances be challenged before the administrative or judicial authority”.

101. In addition to the legal safeguards, it should also be noted that several training sessions were organized for traditional authorities and religious leaders on issues relating to equality, gender and human rights in general.

12. Incorporate the teaching of human rights into the school and training curricula, and popularize the African Charter on Human and People’s Rights and the other regional and international legal instruments for the promotion and protection of human rights ratified by Niger.

102. As part of the curricular reform, Niger has developed a series of documents entitled “Rights and responsibilities of citizens”. Human rights related issues are incorporated into the contents of training programmes. The MEP/A/PLN/EC is currently implementing a programme to incorporate the teaching of human rights into school programmes in partnership with UN agencies in Niger.

103. Three human rights modules for primary and secondary schools and vocational teaching centres have been developed and tested. This work is ongoing with a view to the adoption of the curriculum reform in this area and the generalization of the teaching of human rights at all levels of the education cycle.

On the rights of women and girls

13. Adopt a non-discriminatory Family Code which protects the rights of women and girls;

104. There has been no change since the previous report.

14. Adopt a law on female genital mutilation;

105. Niger adopted a law on female genital mutilation in 2003. This law was revised in 2006.

15. Institute national awareness campaigns to promote the education of girls and their retention in school;
In order to promote behavioural change conducive to girls' education, a community outreach campaign was conducted in 1,560 villages in 2016. This campaign reached 65,520 people.

Consultation platforms to encourage the support of religious and customary leaders in promoting girls’ education are being established at the regional and departmental levels.

In September 2016, the MEP/A/PLN/EC organized a National Day of Excellence to celebrate the 25 girls of Niger's public primary schools who had the best performances during the 2015-2016 academic year, and their schools were equipped with solar panels in support of after-school classes.

In terms of their retention, a national strategy to accelerate girls’ education was validated in August 2014. The objectives of this national strategy include: (i) increased access and retention of girls at all levels of the education system, (ii) increased social demand for education and training in general and for girls in particular, and (iii) improved institutional framework for girls’ education and training. The approach of this strategy is to hold communities and communes accountable for increased access and retention of girls in schools.

16. Increase the number of school canteens as well as first and second cycle schools in the villages and the rural areas to help keep girls in school for them to pursue their education at the secondary school level;

The establishment of school canteens has helped to increase primary school enrolment rates. A unit in charge of school canteens was created within the MEP/A/PLN/EC. In 2012, canteens were established in 1,500 schools and increased to 2,048 in 2016 with a total of 302,849 pupils benefitting from them.

The State, through the MEP/A/PLN/EC developed a strategic plan on school feeding programmes validated by technical and financial partners. This plan aims to:
- promote local initiatives to purchase of food grown by small farmers;
- strengthen partnerships between stakeholders and their capacities to develop and implement school feeding programmes;
- contribute to ensuring the sustainability of school feeding programmes in Niger.

As an illustration, students (primary and secondary) benefitting from school feeding programmes in 2012 reached 135,381 and increased to 164,818 in 2014.

17. Ensure the protection of women’s reproductive health and ensure that they get access to adequate health services at affordable costs and at reasonable distances;

Despite a low healthcare coverage, special attention is paid to the availability of maternal and child health services. Findings of the SARA survey conducted in 2015 reveal a wide availability of reproductive health services including family planning (FP) and pre-natal consultations (PNC). Indeed, 96% of health facilities in the country provide FP services.
including 100% in rural areas and 84% in urban areas. PNC services are available in 93% of health facilities in the country including 100% in rural areas and 73% in urban areas. Delivery services are available in 89% of health facilities in the country. However, neo-natal care is available in only 34% of health facilities in the country.

114. Services providing preventive and curative care for children are available in 98% of health facilities in the country.

115. The Government, in an effort to improve financial access to healthcare for vulnerable groups such as pregnant women, nursing mothers and children, granted free healthcare for Caesarean sections in 2005 and has since 2006 established other free healthcare initiatives including for children under 5 years, pre-natal consultations, family planning consultations, female cancer treatment and obstetric fistula.

116. These initiatives facilitated the pre-natal consultation of 3,649,889 pregnant women, management of 28,905,079 cases of illnesses relating to children under five and 5,930 Caesarean sections between 2012 and 2015.

117. The current health policy coordinates reproductive health promotion activities in a cross-cutting manner whereby the MSP delivers high impact health services for the mother, child and young people and other ministries in charge of education, population, planning, etc. are involved to tackle the determinants of maternal health.

18. Adopt legislative and other measures to ensure that both women and girls get access to employment;

118. Regarding the socio-professional integration of youths, the main activities carried out concerned the preparation of a draft decree introducing incentives for the employment of youths and a draft decree laying down modalities for organizing internships for initiation into the world of work.

119. A training and establishment programme for young people who have graduated from training centres in micro-enterprise and a Youth Employment Programme for Works of Public Interest in communes (PEJ/TIPC) were formulated within the framework of the development and implementation of specific youth employment programmes. This programme was focused on the Diffa region in accordance with Circular Letter No. 00591/DIRCAB/ PM/SCC of 19 March 2015 relating to the emergency programme for the Diffa region.

120. The ANPE employment promotion programmes were assessed in 2014, after several years of implementation. The resultant recommendations led to the development of a single programme with three components:
   - the internship contract for initiation into the world of work (COSIVIP) for graduates of higher and vocational education seeking first employment;
- the Professional Reconversion Contract (CRP) for graduates of higher, technical and vocational education and for those who have lost their jobs;
- the Enterprise Creation Support Programme (PACE) intended to promote entrepreneurial spirit among young people and to help them in the process of setting up businesses.

121. Following the recommendations of the organizational audit and diagnostic studies and the revision of employment programmes, two regional branches of ANPE were created (one in Niamey and the other in Dosso) in order to ensure a better establishment of the Agency on the national territory.

122. In a bid to better support job seekers and to provide better support to enterprises, ANPE trained 37 employment and professional orientation counsellors (12 in 2015), with the support of the Growth Skills Development Project (PRODEC) funded by the World Bank.

123. Moreover, a process to implement a development strategy for labour intensive activities (HIMO) was launched with the support of the ILO in order to reinforce social protection and job creation.

124. All these actions led to the creation of 711,053 jobs from April 2011 to July 2015, representing a 284.42% realization rate. These jobs are broken down into 137,028 permanent jobs and 573,035 temporary jobs, representing 19.30% and 80.70% respectively.

125. There is no specific employment programme for women.

19. Establish and/or strengthen socio-economic programmes with adequate budgetary resources for both women and young girls in the rural areas;

126. Major socio-economic projects and programmes have been established by the Government and its partners for the benefit of women and girls. These include the 3N Initiative, the Support programme on gender equality, climate change and agriculture in Niger whose purpose is to strengthen the resilience of the most vulnerable groups including women farmers in the 5 regions of the country, the Regional women’s empowerment and demographic dividend project, and the “Illimin zaman douniya” programme which aims to reduce the number of child marriages and early pregnancies.

20. Promote women’s access to credit, training and extension services in both rural and urban areas;

127. To promote women’s access to credit, micro-finance institutions such as TANAADI were established in rural areas and the social safety nets project also implements several activities for the benefit of women including training in community organization, promotion of health activities and a monthly cash transfer of 10,000 CFA francs to the most vulnerable households. The MMD (Mata Masu Dubara) programme initiated by CARE helps to organize women into economic interest groups.
21. Ensure the social protection of women working in the informal sector;

128. Within the context of implementing ILO Recommendation 202 on the social protection floor, the Ministry in charge of social protection plans to conduct a study in February 2017 on extending social protection to independent workers, liberal professions, the informal sector and the rural area. This study will take into consideration the concerns of women.

129. The overall objective in revising the National Employment Policy (PNE) is to help bring about social change in decision-making processes or behaviours of PNE stakeholders on the ground and to increase access to paid decent work for vulnerable populations in Niger. This specifically entails assessing the usefulness and success of public actions conducted in the context of the PNE and proposing a coherent, comprehensive, pertinent, realistic and consensus-based national employment policy for adoption by the Government as well as an action plan for its implementation in the medium term.

22. Establish a fund for the economic empowerment of women and introduce a national support programme for the development of female entrepreneurship;

130. In terms of women’s empowerment, credit lines exclusively earmarked for women exist through:

- Women’s Savings and Credit Unions (MECREF). From 1 January to 30 September 2014, over 2 billion CFA francs in loans were awarded to women, of which 82% was used for the creation of business activities.
- the Regional Solidarity Bank;
- the Micro-Finance Institution ASUSU CHIGABA. From 2005 to date, over 50 billion CFA francs in loans have been awarded to women in 1,500 villages located in the 7 regions through projects promoting income-generating activities for women (Niger-UNICEF cooperation programme, Luxemburg Cooperation, Entreprendre au Niger, ILO…).

23. Create a permanent framework for exchange and dialogue with civil society organizations, religious bodies, the media and community leaders to highlight the status of women and the elimination of harmful traditional practices;

131. The National observatory on gender promotion established pursuant to Decree No. 2015-524/PRN/MP/PF/PE of 2 October 2015 is in charge of promoting gender and ensuring that development policies, programmes and projects contribute to addressing the gender gap. It is a platform for observation, evaluation and constant alert on gender issues and provides the Government and all development stakeholders with reliable data on compliance with gender-related legislation.

132. The ONPG is tasked with monitoring compliance with human rights as well as the implementation of gender-related legislative and regulatory texts.
The consultation framework on violence against women and children established in 2004 is a permanent platform for exchange and dialogue between the State and all stakeholders (TFPs, CSOs).

24. Organize awareness campaigns for both men and women in the communities on the harmful effects of early marriage, female genital mutilation and other forms of violence against women;

The Government, in collaboration with the NGO CONIPRAT, routinely organizes awareness-raising campaigns on female genital mutilation (FGM). See paragraph 60 for further details.

25. Introduce a training programme for young girls who have earned a master’s degree from the University and who are candidates for the competitive examination for entrance into the School of Magistrates, as well as the Professional Law Certificate Examination (CAPA);

There is no specific training programme for young girls who have earned a master’s degree from the University and who are candidates for the competitive examination for entrance into the School of Magistrates, as well as the Professional Law Certificate Examination (CAPA).

26. Raise the quota on the representation of women in political and administrative positions to 30%;

See paragraph 62 for a response to this recommendation.

27. Increase the level of the recruitment of women into the Police Service;

The total number of women in the Police Service in 2014-2015 was 658 including 14 police commissioners, 17 police superintendents, 110 police inspectors and 517 police constables. This figure represents 9.5% of the overall Police Force. Currently, the total number of women recruited in the Police Service is 1,058 i.e. 15% of the overall Force.

28. Provide statistical data on the situation of women and girls in order to facilitate the inclusion of their specific needs in development plans, policies and programmes;

The National Statistics Institute is active in this area. In 2016, it conducted a study to assess socio-economic and demographic indicators and the results have been put to use.

On prisons

29. Reduce overcrowding in the prisons through the adoption of appropriate measures such as alternative punishments, reform of the prison system and the adoption of an appropriate penal policy;

See the response to Recommendation no. xiv in paragraph 27 for the first part of this directive.
140. Regarding the second aspect, it should be noted that the prison system is currently being revised for the purposes of modernization, improving conditions of detention and to ensure that it meets international standards. This reform includes the drafting of two bills relating to the status of the prison system and the status of prison staff. These bills are currently under discussion at the National Assembly. The reform will be supported by a prison policy and a penal policy, both of which are currently being drafted.

30. **Fast-track the building of new prisons**

141. Niger is continuing implementation of its prison construction and/or rehabilitation programme. Activities undertaken between 2011 and 2015 concerned 19 prisons and rehabilitation centres, 28 juvenile wings and one dispensary at the Koutoukalé prison. The more dilapidated facilities are currently being upgraded to meet relevant standards. The process for the construction of the Ingal, Falmey, Banibangou and Tassara courts has been launched. Architectural designs of the new prison in Niamey complying with international standards have been completed and construction work has commenced.

142. Furthermore, 3 centres for delinquent minors or at risk have been built: 2 in Niamey and 1 in Tahoua. Their aim is to provide children in difficult situations with a more favourable prospect of reintegration.

31. **Ensure the improvement of the living and detention conditions of prisoners through the provision of adequate food, appropriate health care, recreation and literacy programmes**;

143. The Government has equipped prisons with materials for maintenance, bedding and clothing to improve the living and detention conditions of prisoners. It has also renovated the sanitary facilities of various prisons.

144. On the provision of food, the system remains unchanged for each prisoner is entitled to two (2) meals a day (lunch and dinner) and families may bring the prisoners food. The daily ration per prisoner has been increased.

145. Nearly all prisons have a dispensary. In the case of a severe illness, the prisoner is referred to a public hospital or an integrated health centre. The State provides sick prisoners with full medical care.

146. Regarding recreation and literacy programmes, several NGOs and associations are involved in the training and rehabilitation of prisoners. They organize sessions on literacy, sewing, basketry, woodwork and gardening. A Circular issued by the Ministry of Justice instructs all prison directors to organize sporting and recreation activities such as dancing, singing, theatre, etc. on a regular basis for prisoners.

32. **Strengthen programmes on social rehabilitation and the improvement of prison**
The prison administration has developed a three-year programme for the reintegration of prisoners. Key features of this programme include:

- support to prisoners to make the best of their situation;
- development of vocational training programmes for prisoners;
- combatting stigma and discrimination of former prisoners;
- support for the socio-economic reintegration of prisoners.

However, this programme could not be implemented due to inadequate human, financial and material resources. The few reintegration activities are implemented with the support of Non-Governmental Organizations (NGOs) and other development partners. Besides, they are implemented in a poorly organized environment without much coordination with the prison administration.

**33. Train court clerks to regularly monitor preventive detention cases to ensure that the provisions of the Code Criminal Procedure are respected;**

The prison administration, with the support of the European Union, organized training workshops for clerks in 2014 and 2015. Training focused on the provisions of the Code of Criminal Procedure relating to detention, minimum UN standards on detention and the rights of prisoners in general.

**On food security**

34. **Ensure food security for all and build grain reserves in the localities of the country and also ensure the availability of foodstuffs and other necessities at affordable prices.**

As part of efforts to implement the 3N Initiative, several measures were adopted to build grain reserves in the localities of the country and ensure the availability of foodstuff and other necessities at affordable prices. Further details on these measures can be found in the analysis on the right to food.

**On periodic reports**

35. **Ensure greater involvement of NGOs in the preparation of periodic reports**

The Government has made participatory approach its preferred option in the preparation of its reports on the implementation of international and regional human rights instruments to which it is party.

With specific reference to the African Charter on Human and Peoples’ Rights, NGOs were involved in the elaboration process of the 2003-2014 combined report as well as this report covering the 2014-2016 period. Moreover, they were consulted during the drafting phase and
participated actively in the validation workshop which brought together representatives of major federations of human rights associations such as the Coordination of NGOs and Nigerien Women’s Associations (CONGAFEN), the Federation of Organizations for the Defence of Human Rights and Democracy (CODDHD), the Network of Development NGOs and Associations of Human Rights and Democracy (RODDHAD).

36. Present its four (4) overdue periodic reports during subsequent Ordinary Sessions of the Commission;

153. Niger is up-to-date with its reporting obligations since the SOYATA mission. The next report is due in 2017.
PART ONE: GENERAL INFORMATION ON THE LEGAL AND INSTITUTIONAL FRAMEWORK

CHAPTER 1: THE LEGAL FRAMEWORK

154. The legal framework includes:

A. International human rights instruments ratified by Niger from 2014 to 2016
   - International Convention for the Protection of All Persons From Enforced Disappearance, ratified on 24 July 2015;
   - Convention relating to the Status of Stateless Persons, acceded on 7 November 2014;
   - 2014 Protocol relating to ILO Convention No. 29 on forced labour, ratified on 29 June 2015;
   - ILO Convention No. 150 on labour administration, ratified on 29 June 2015;
   - ILO Convention No. 181 on private employment agencies, ratified on 14 May 2015.

B. Main domestic legislation on human rights adopted by Niger during the period under review
   1) Constitutional and Legislative Measures
      - Law No. 2014-50 of 23 October 2014 on the statutory interest rate;
      - Law No. 2014-51 of 23 October 2014 defining and punishing usury;
      - Law No. 2014-61 of 5 November 2014 on the autonomous status of judicial services officials;
      - Law No. 2014-72 of 20 November 2014 determining the scope, powers and functioning of juvenile courts in Niger;
      - Law No. 2014-64 of 5 November 2014 amending and supplementing Law No. 2000-008 of 7 June 2000 establishing a quota system for elective and nominative functions, which raised the quota for elective posts from 10% to 15%;
      - Law No. 2015-01 of 13 January 2015 on the status of traditional authorities;
      - Law No. 2015-02 of 13 January 2015 on the establishment, composition, organization and jurisdiction of the judicial centre and chambers specializing in economic and financial matters;
      - Law No. 2015-08 of 10 April 2015 on the organization, jurisdiction, procedures to be followed and functioning of commercial courts in the Republic of Niger;
      - Law No. 2015-23 of 23 April 2015 on the Code of Civil Procedure;
      - Law No. 2015-24 of 11 May 2015 establishing the basic principles for the protection of consumers in the Republic of Niger;
      - Law No. 2015-36 of 26 May 2015 on migrant smuggling;

2) **Regulatory Measures**
- Decree No. 2013-003/PRN/MEL of 4 January 2013 establishing the operating procedures of joint commissions responsible for conciliating disputes between arable and livestock farmers;
- Decree No. 2013-028/PRN/MEL of 23 January 2013 establishing the practical modalities for carrying out the national survey of pastoral lands and resources;
- Decree No. 2014-003/PRN/MJ of 3 January 2014 establishing the conditions, qualifications and required skills in order to be authorized to provide legal aid services;
- Decree No. 2014-004/PRN/MJ of 03 January 2014 establishing the criteria and procedures for providing proof of indigence in order to qualify for legal aid;
- Decree No. 2014-503/PRN/MJ/MC/PSP of 31 July 2014 on the implementation of the provisions of articles 10, 11, 311 and 314 of the Uniform Act on commercial companies and economic interest groups;
- Decree No. 2016-449/PRN/MJ of 11 August 2016 establishing the management and control bodies of the legal and judicial assistance fund;
- Decree n° 2016-382/PRN/MJ of 22 July 2016 on the organization of the Ministry of Justice;
- Decree No. 2015-524/PRN/MPF/PE of 26 May 2015 establishing the National Observatory on Gender Promotion (ONPG);
- Decree No. 2016-306/PRN/MAG/EL of 29 June 2016 determining the standards applicable to transhumance routes and corridors;
- Decree No. 2016-510/PRN/MAG/EL of 16 September 2016 establishing the conditions for the collection, storage and sale of straw throughout the national territory.
CHAPTER 2: INSTITUTIONAL FRAMEWORK

155. The institutional architecture, apart from institutions within the three branches of Government, is made up of other institutions that are vital to the spread of democracy and the rule of law.

A. THE THREE BRANCHES OF GOVERNMENT

1) The Executive Branch

156. It consists of:

- The President of the Republic who is the guarantor of national independence, national unity, territorial integrity, respect for the Constitution, international treaties and agreements. He ensures the smooth running of government and continuity of the State.
- The Government: It is led by a Prime Minister, Head of Government who coordinates government action. He ensures implementation of the legislation.

2) The Legislative Branch

157. The legislative power is exercised by a single Chamber called the National Assembly whose members are referred to as national assembly members. The National Assembly passes laws and levies taxes. It controls government action.

3) The Judicial Branch

158. In Niger, the judiciary is independent from the legislative and executive powers. The judicial power is exercised by the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors, the Courts and the Tribunals.

159. The Constitutional Court: It is the competent authority in constitutional and electoral matters. The mandate of this body is to ensure the constitutionality of legislation, ordinances and the consistency of international treaties and agreements with the Constitution. It interprets the provisions of the Constitution. It controls the dependability, transparency and sincerity of referendums, presidential and parliamentary elections.

160. The Court of Cassation: This Court is the highest authority of the Republic in judicial matters.

161. The Council of State: The Council of State is the highest authority in administrative matters. It rules over abuse of power by the administrative authorities as a first and last resort as well as on applications for interpretation and assessment of the legality of administrative actions. It acts as an appeal court in disputes relating to local elections.

162. The Court of Auditors: It is the highest authority responsible for the supervision of public finances. It exercises jurisdictional power, and supervisory and consultative competence.
163. **The High Court of Justice:** The High Court of Justice is the competent authority to try the President of the Republic in matters purported to be high treason committed in the exercise of his functions. It also has jurisdiction to try members of the Government for alleged crimes or offences committed in the exercise or the course of their duties.

164. **The Courts and tribunals:** They are two (2) Courts of Appeal, ten (10) higher courts and thirty (30) district courts. However, it should be noted that the judicial map was modified with the adoption of Law No. 2013-29 of 12 June 2013 to take into account the new administrative structure of the country creating 27 departments. The need to establish coherency between jurisdictions and these new administrative areas prompted the legislator to create district courts and bring justice closer to the people.

**B. OTHER INSTITUTIONS AND COMMITTEES:**

165. **The Economic, Social and Cultural Council (CESOC):** Established by Law No. 2011-40 of 7 December 2011 (determining the mandate, composition, organization and functioning of the Economic, Social and Cultural Council), it assists the President of the Republic and the National Assembly in economic, social and cultural matters. It gives its opinion on draft laws and legislative proposals that are of an economic, social and cultural nature with the exception of Finance laws.

166. **The Higher Council for Communication (CSC):** It was established by Law No. 2012-34 of 7 June 2012 on the composition, mandate, organization and functioning of the Higher Council for Communication. It is an independent administrative authority that protects and guarantees the freedom and independence of audio-visual media, and the written and electronic press, in accordance with the law. The CSC replaced the National Communication Observatory (ONC) established in 2010.

167. **The National Human Rights Commission (CNDH):** Was established by Law No. 2012-44 of 24 August 2012. Its tasks are laid down in Articles 19, 20 and 21 and they relate to the consideration of complaints, the power of self-seizure and investigation in the event of any human rights abuses, the effectiveness of human rights, awareness creation among citizens on their rights, the development and implementation of human rights education programmes, among others. This Commission replaced the National Observatory for Human Rights and Fundamental Freedoms (ONDHL/F) established in 2010.

168. **Office of the Ombudsman:** It was established by Law No. 2011-18 of 8 August 2011, amended and supplemented by Law No. 2013-30 of 17 June 2013. It is an independent authority which receives, under the conditions established by law, claims on the functioning of State agencies, local governments, public institutions and any other public service body in their interaction with citizens.

169. **The National Commission in charge of coordinating the fight against Trafficking of Persons:** It was established by Decree No. 2012-082/PRN/MJ of 21 March 2012 determining the organisation, composition and functioning of the National Commission in charge of
coordinating the fight against Trafficking in Persons (CNCLTP). It is a body which initiates, designs and develops policies and programmes relating to the prevention of trafficking in persons.

170. National Agency for Combating Trafficking in Persons (ANLTP): established by Decree No. 2012-083/PRN/MJ of 21 March 2012, this is the operational structure responsible for executing and implementing national policies and strategies adopted by the CNCLTP, as well as for implementing the associated action plan.

171. The National Committee for drafting reports to treaty organs: instituted by Order No. 013/MJ/DH/DDH/AS of 17 March 2010 on the establishment of a National Committee for Drafting Reports to Treaty Organs. This Committee is tasked with preparing initial and periodic reports for submission to Treaty Organs and the Universal Periodic Review (UPR) as well as monitoring recommendations made following the presentation of these reports. Between 2010 and 2016, the Committee cleared more than 80% of the backlog accumulated by Niger in the submission of reports to treaty organs.

172. The National Agency for Legal and Judicial Assistance: It was established by Law No. 2011-42 of 14 December 2011, which sets out the relevant rules for legal and judicial assistance and establishes a public administrative body referred to as the “National Agency for Legal and Judicial Assistance”. It is responsible for making legal and judicial assistance available to certain categories of vulnerable persons and to those who lack the financial means to bear the costs of a trial.

173. The High Authority for Peace Consolidation: established in 2011, it is tasked, as per the terms of Decree No. 2014-117/PRN of 17 February 2014 on the responsibilities, structure and functioning of the High Authority for Peace Consolidation, to “cultivate a spirit of peace and dialogue among the country’s various communities and maintain a spirit of mutual trust, tolerance and respect out of a shared desire to live together”.

174. The High Commission for the 3N Initiative: was established by Decree No. 2011-407/PRN of 06 September 2011 and it is based on a consistent set of personal measures and investment actions to be achieved in the short, medium and long terms. The 3N initiative should make it possible for Niger to make a qualitative leap in investments in rural development as well as in the related sectors of agribusiness and the trade in local agro-sylvo-pastoral products.

175. The High Authority to combat corruption and related offences (HALCIA): It is a permanent Government body established by Decree No. 2011-215/PRN/MJ of 26 July 2011 replaced by Law No. 2016-44 of 6 December 2016 and is placed under the President of the Republic. The HALCIA is responsible, inter alia, for:
   - contributing to the development of policies and strategies for the prevention of corruption;
   - promoting public awareness campaigns for behaviour change;
   - proposing to public authorities legislative, regulatory or administrative reforms in its area of competence;
- participating the popularization of all instruments and programmes on preventing and combatting corruption and related offences;
- contributing to building the capacities of associations and other stakeholders involved in the fight against corruption and related offences.

176. The High Commission for State Modernization: established by Decree No. 2005-361/PRN/PM of 30 December 2005, its mission, in conjunction with the relevant ministries, is to design, supervise, coordinate, monitor and evaluate all actions geared towards the modernization of the State and local governments in accordance with the guidelines outlined by the Government. It is also responsible for the implementation of the national policy paper on State modernization adopted by Decree No. 2013-249/PRN/PM/HCME of 12 July 2013.

177. Traditional Authority: It is governed by Law No. 2015-01 of 13 January 2015 on the status of chieftaincy. Article 18 new of which stipulates that “the traditional chief shall have the power of conciliation of parties in customary, civil and commercial matters.

It shall rule according to custom on the use of agricultural and pastoral lands by families or individuals, over which the customary community it has oversight responsibility of, has established customary rights.

In any case, it prepares reports on these conciliatory or non-conciliatory issues which must be written in a temporary register, a copy of which is transmitted to the administrative authority and competent jurisdiction.

The conciliation reports signed by the parties may receive the seal of enforceability by the competent jurisdiction, on the initiative of one of the parties”.


180. The National Council for Political Dialogue (CNDP): established by Decree No. 2004-030/PRN/PM of 30 January 2004, the CNDP is a platform for preventing and settling political disputes and consultation among members on issues of national interest. As at December 2016, the CNDP included 105 legally recognized political parties.

181. The National Unit for Financial Information Processing (CENTIF): established by Law No. 2004-41 of 8 June 2004 on anti-money laundering. It is responsible for collecting and processing financial information on money laundering and terrorist financing.
PART TWO: PROGRESS REPORT ON THE IMPLEMENTATION OF THE CHARTER SINCE APRIL 2014

CHAPTER 1: CIVIL AND POLITICAL RIGHTS

A) THE RIGHT TO LIFE AND PHYSICAL INTEGRITY (Article 4)

182. As indicated in the previous report, the Constitution of 25 November 2010 affirms the principle of the inviolability of the human person. Indeed, the Article 11 indicates that “the human person is sacred. The State has an obligation to defend and protect this inviolability.” Article 12 in turn stipulates that “every person has a right to life, health, physical and moral integrity, to a healthy and well-balanced diet, potable water, education and learning under conditions laid down by law. The State shall ensure that the needs and essential services of every individual as well as the full development of every individual are met. Every individual has the right to freedom and security under conditions laid down by law”.

183. Article 14 of the Constitution stipulates that “no one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment or punishment. Any individual, Government worker, who is found guilty of any acts of torture, abuses or cruel, inhuman or degrading treatment in exercising their functions, either through his own initiative or based on instruction, shall be liable to punishment under the law”.

184. The Criminal Code, in its Chapter III entitled “murders and capital punishments”, punishes the most serious offences, including offences against life.

185. In the Republic of Niger, capital punishment is still in force. However, it is only applied in cases of felony such as assassination, murder, parricide or poisoning. There have been no executions since 1976.

186. Attacks perpetrated by the terrorist group Boko Haram unfortunately led to the death of dozens of people in 2015 and 2016. Niger has indeed become Boko Haram’s new target since 6 February 2015. For example, the villages of Kuikelecha and Tombu (in the Diffa region) were attacked on 1 March 2015 resulting in the death of 19 people. Attacks by this terrorist group on 28 April 2015 also led to the loss of 48 lives including 28 civilians on the island of Karamga. These deadly and despicable acts continue to be perpetrated leaving many families in bereavement.

187. However, Niger's defence and security forces have always managed to react swiftly by engaging in hot pursuit and often neutralizing the assailants. The Government also decided to declare a state of emergency in the Diffa region on 13 February 2015. This measure, and its renewal throughout 2015 and 2016, helped to reduce the movement and attacks of the terrorist group Boko Haram in the Diffa region. Various other measures were taken by Niger to guarantee the right to life and physical integrity in light of the challenging security
environment. These measures will be developed in the analysis of Article 23 relating to the right of peoples to peace and security.

188. Regarding the abolition of the death penalty, Niger’s position has not evolved significantly since its last report. The death penalty is still in force but Niger is a de facto abolitionist country as indicated in the previous report. The last execution took place in 1976. Efforts continue to be deployed for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Moreover, this ratification is part of the recommendations accepted by Niger during the Universal Periodic Review in January 2016.

189. It should also be noted that death sentences are commuted to life imprisonment and then for a fixed term through presidential pardon on the occasion of certain national events. The State is deploying efforts for the adoption of legislation on the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

B) PROHIBITION OF SLAVERY, TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING PUNISHMENT AND TREATMENT (Article 5)

190. Niger is taking steps to amend Law No. 2015-36 of 26 May 2015 on trafficking in persons in order to effectively combat this phenomenon. Furthermore, two other draft legislation are currently in the process of being adopted, namely:

- the draft decree on the organization, missions and functioning of the Special Fund for the compensation of victims and witnesses of human trafficking;
- the draft decree on the establishment of a support centre for victims and witnesses of human trafficking.

191. In terms of torture, it is worth noting that a draft law specifically punishing torture has been prepared and is in the process of being adopted.

C) PROHIBITION OF ARREST OR ARBITRARY DETENTION (Article 6)

192. Arrests, detention and police custody are governed by the Criminal Code and the Code of Criminal Procedure. Article 265 of the Criminal Code stipulates as follows: “will be subject to a term of imprisonment of one to less than ten years, those who arrest, detain or confine any person, without being so ordered by the constituted authorities, and except for those cases in which the law prescribes that the accused be arrested.

Whoever provides a place for carrying out the detention or confinement will suffer the same punishment.

Provisions relating to attenuating and conditional circumstances cannot be applied under the present article”.

43
Article 270 of the same Code stipulates that: “Any person who restricts, either free of charge or against payment, the freedom of any other person, shall be punished by a term of imprisonment of ten to thirty years. If the person is aged less than thirteen years, the penalty shall be life imprisonment. If the accused restricted the freedom of several persons, the death penalty shall be applied”.

193. Duration of police custody is determined by law as follows:
- In ordinary law: in cases of flagrante delicto, the duration of police custody is 48 hours. This duration cannot be extended for persons referred to in articles 56 and 57 of the Code of Criminal Procedure;
- Where there is sufficient reliable and consistent evidence against the person to justify pressing charges: the duration of police custody is 48 hours and can be extended for the same duration on the authorization of the State Prosecutor or the investigating judge;
- In preliminary inquiry: the duration of police custody is 48 hours renewable once on the authorization of the State Prosecutor;
- For drug addicts: the duration of police custody is the same as in ordinary law (Article 118 of Ordinance No. 99-42 of 23 September 1999 on drug control). This duration is renewable twice: initially for the same duration of 48 hours and subsequently for a duration of 24 hours. These extensions are all subject to the authorization of the State Prosecutor;
- For persons suspected of terrorism: a recent amendment to the Code of Criminal Procedure introduced new provisions on procedures relating to persons suspected of terrorism. In such cases, the duration of police custody is 15 days renewable once (Law No. 2016-21 of 16 June 2016 amending the Code of Criminal Procedure). This duration may be extended once for an additional period of 120 hours on the authorization of the State Prosecutor at the specialized judicial centre or the investigating judge for the purposes of executing letters rogatory.

194. It should be noted that the person held in police custody has a right to counsel. The OPJ must inform him of this right.

195. There are also rules to ensure that the physical integrity of a person held in police custody is respected. A medical certificate must be issued indicating that the suspect has not been subject to physical or mental violence.

D) EQUALITY BEFORE THE LAW (Article 3)

196. This principle is enshrined in Article 8 of the Constitution of 25 November 2010 according to which “The Republic of Niger is a State governed by the rule of law. It guarantees equality of all before the law without distinction as to sex, social, racial, ethnic or religious origin. It respects and protects all beliefs. No religion nor belief can arrogate to itself political power nor interfere in the internal affairs of the State.”
Any personal propaganda of a regionalist, racial or ethnic nature; any demonstration of racial, social, sexist, ethnic, political or religious discrimination are punishable by law.”

E) RIGHT TO A FAIR TRIAL (Article 7)

197. The Constitution of 25 November 2010 reaffirmed the right to a fair trial in similar terms like the preceding ones.

198. Moreover, the Code of Criminal Procedure contains all the necessary guarantees for a fair trial. However, shortcomings have been noted, particularly with regard to the rights of the defence as a result of the concentration of court officials in the capital. In fact, 95 % of lawyers and 70 % of other court officials (bailiffs and solicitors) are based in Niamey, while in some regions, it is rare to find any lawyers. But the Government, through the Ministry of Justice, has taken supporting measures to ensure that the rights of defendants are effectively guaranteed, particularly by designating public defence counsels and organizing mobile legal assistance for defendants.

199. A survey was initiated by the National Statistics Institute to monitor the effectiveness of human rights and fairness in the judicial system. Results show that 50% of citizens who responded believe that equality before the law is a reality, 15% say it is often so, 19% that this is rarely the case and 15% that this is never the case. Also, 97.8% of those surveyed declare that they have never been discriminated against, compared to 2.2% who believe the contrary. Over 63% of the population express confidence in the courts and tribunals.

200. National consultations on the judicial system were organized in November 2012 to identify weaknesses in the system and recommend solutions for improvement. The establishment of a committee to monitor the implementation of recommendations made during these national consultations led, among other things, to the development of a national policy on justice and human rights as well as a related five-year action plan.

201. It should also be noted that the activities of the ANAJJ include:
- installation of local bureaus;
- continued training of public defence counsels (DCO);
- monitoring and evaluation of activities of local bureaus;
- finalization of the administrative and financial procedures manual;
- recruitment of focal points for local bureaus and to monitor indicators under the SBC II (contract on strengthening the capacities of State agencies, European Union Unit).

202. It may be recalled that the ANAJJ is tasked in particular with managing the legal and judicial assistance mechanism and making the latter available for the benefit of certain categories of persons, right from the preliminary inquiry stage.

203. Establishment of the Agency for Legal and Judicial Assistance (ANJJ) and the opening of its 10 local bureaus at the level of district courts helped to provide assistance to 1,656 people in 2015: 1,096 received legal aid and 560 judicial assistance.
F) FREEDOM OF ASSOCIATION (Article 10)

204. There is no restriction to freedom of association apart from prohibitions contained in the aforementioned Ordinance which centre on ethnic and regionalist associations. This can be explained by the concern of the authorities to preserve national unity, peace and social cohesion.

205. The associations are therefore freely formed and any person is free to join the association of his choice. A provisional receipt of a three-month (3) validity period is issued to enable the association to start its operations.

206. The authorisation to implement its activities shall be by Order of the Minister of the Interior, Public Security, Decentralization and Religious Affairs, after it has been found that the association has complied with the relevant legislation. It can only be turned down for reasons specified by law. The procedure for the establishment of labour unions is even more simplified. In fact, in pursuance of ILO Convention 87 on Freedom of Association and Protection of the Right to Organise and Convention 98 on the Right to Organise and Collective Bargaining, ratified by Niger, the trade unions follow a system of prior approval.

207. The cooperative groups are recognized by the regional authorities (Sub-prefects and mayors). The right of association is also accorded to foreigners who come together to form associations.

208. As at 20 April 2015, there are:
   – 746 associations;
   – 1,671 NGOs;
   – 105 political parties;
   – 13 labour union federations and a coordination of non-affiliated unions, with a membership of more than 250 unions.

G) FREEDOM OF WORSHIP AND RELIGION (Article 8)

209. There have been no changes with respect to the exercise of religious freedom since the last report.

H) FREEDOM OF ASSEMBLY AND DEMONSTRATION (Article 11)

210. There have been no changes with respect to the exercise of the freedom of assembly and demonstration since the last report.

   I) FREEDOM OF EXPRESSION (Article 9)

1. Status of press freedom

211. The legislative and institutional framework as well as the status of press freedom is described hereafter.
212. In terms of legislation: instruments governing freedom of the press in Niger are those indicated in the previous report. These mainly include:

- The Constitution of 25 November 2010;
- Law No. 2012-34 of 07 June 2012 on the composition, powers, organisation and functioning of the Higher Council for Communication (CSC);
- Ordinance No. 93-31 of 30 March 1993 on audio-visual communication;
- Ordinance No. 2010-34 of 04 June 2010 governing freedom of the press, which decriminalizes press offences including defamation and insult;
- Ordinance No. 2011-22 of 23 February 2011 on the Charter for access to public information and administrative documents.

213. It is worthwhile to also recall that the President of the Republic signed on 30 November 2011, the Table Mountain Declaration which prohibits prison sentences for journalists in the exercise of their duties and replaces freedom of the press at the centre of public debate in Africa. One of the consequences of this signing is the establishment of a National Press Freedom Day by the Government. The first edition was celebrated on 30 November 2014.

214. At the institutional level: The Higher Council of Communication (CSC), an independent administrative authority, monitors the effectiveness of press freedom. It protects and guarantees the freedom and independence of audio-visual media, and the written and electronic press.

215. It regulates the media, administers the press support fund which was increased by 50 million CFA francs, from 200 million in 2014 to 250 million in 2016. The fund is aimed at building technical, material and editorial capacity of the private press houses with a view to contributing to the establishment of genuine media enterprises in Niger.

216. Regarding the status of press freedom, it shall be noted that Niger is ranked 52nd out of 180 countries in the Reporters Without Borders’ press freedom index for 2016. It is ranked 9th in Africa and 4th in West Africa in terms of press freedom.

217. Reporters Without Borders states that its annual index: "ranks 180 countries according to the level of freedom available to journalists. It is a snapshot of the media freedom situation based on an evaluation of pluralism, independence of the media, quality of legislative framework and safety of journalists in each country."

218. It is important to note that there are currently no journalists, accused or serving a sentence, who are being held for libel acts.

2. The Media Landscape

The media landscape in Niger has significantly developed over the past years. In 2016, Niger has:

- 02 public television networks;
- 16 private television networks;
- 1 public radio station and 7 regional radio stations;
- 66 private radio stations;
- 181 community and association radio stations;
- 02 public newspapers;
- 54 private newspapers - at least twenty are printed on a regular basis;
- several online news sites.

3. Challenges

219. Challenges to press freedom have been described in the 2003-2014 periodic report. These include the precarious situation of media enterprises, the lack of accountability of stakeholders in a highly diversified media landscape and the non-signing of the collective bargaining agreement for workers in the media sector.

220. Measures are being taken to address these challenges, such as the drafting of legislation on advertising through the media and State media. Discussions are also underway for the adoption of a collective bargaining agreement for workers in the media sector. This is an agreement between private media employers and employees under the arbitration or facilitation of the State.

221. Further, it shall be noted that in 2016, the Higher Council for Communication and the Independent Media Observatory of Niger for Ethical and Professional Conduct (ONIMED) embarked on a co-regulation process to raise the standards and integrity of the profession of journalist. Supervision of the media landscape therefore requires the regulatory bodies to act in greater synergy in light of the increasing number of media outlets in the country. Also, freedom of expression is adversely impacted by the lack of professionalism on the part of certain media executives as well as the economic environment.

J. FREEDOM OF MOVEMENT AND RIGHT TO SECURITY

1°) Freedom of movement (Article 12)

222. It is worth recalling that freedom of movement is enshrined in the Constitution. Niger guarantees the exercise of this right to all persons residing in the country. However, due to the deteriorating security situation in certain regions, freedom of movement was restricted after the declaration of a state of emergency. The purpose of this temporary restriction is to ensure the protection of people and their property.

2°) The right to security

223. Refer to the response to directive 5°) on The right of peoples to peace and international security (Article 23).
CHAPTER 2: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The analysis of economic, social and cultural rights comprises the review of progress made to ensure a better enjoyment of rights relating to property, labour, health, education, culture, housing, social security, food, water and sanitation and a right to the protection of the family.

A. PROPERTY RIGHTS (Article 14)
Legislative and practical measures taken to ensure the peaceful enjoyment of property rights.

224. The protection of property rights is guaranteed by the Constitution of 25 November 2010 which stipulates in Article 28 that “Every person has the right to own a property. No person can be denied his or her property unless for purposes of public interest but subject to a fair and prior compensation”. Article 27 of the same Constitution stipulates that “The household is inviolable. No search, arrest or questioning may be ordered unless under the conditions and procedures prescribed by law.”

225. Part II of the Civil Code of Niger is devoted to issues relating to property (Article 544 to Article 577). As an illustration, Article 544 stipulates that “ownership is the right to use, enjoy and dispose of property fully and freely, subject to the limits and conditions for doing so determined by law”. Article 545 states that “No owner may be compelled to transfer his ownership except by expropriation according to law for public utility and in consideration of fair and prior compensation”. Article 546 provides that “Ownership of property, movable or immovable, carries the right to all that this property produces, and which may be inseparably united or incorporated thereto, either naturally or artificially. This right is referred to as right of accession”.

226. Part IV of the Criminal Code is fully devoted to crimes and offences against property (articles 306 to 377).

227. Several violations of property right are punished. These include, among others: theft, fraud, embezzlement, petty theft, swindling, issuing of bad cheques, voluntary fire and destruction, and possession of stolen goods. As an illustration, Article 333 of the Criminal Code stipulates that “Any person who, through any fraudulent means, is given or issued, or attempts to be given or issued funds, movable property or bonds, provisions, cash, promises, receipts or discharges, and thus defrauds or attempts to defraud all of part of the wealth of another person, shall be subject to a prison sentence of one to five years and a fine of 20,000 to 200,000 CFA francs”.

Status of laws governing the conditions and modalities for nationalisation and expropriation of property, including the conditions that have been instituted to ensure that the procedures are transparent and are in the general interest.

1. Legislative and regulatory aspects

228. Several legislative and regulatory texts govern the conditions and modalities for nationalization and expropriation of property in Niger. These procedures are implemented in a
transparent manner and in the general interest. No changes have been made to these texts in the past years. It may be recalled that:
- Ordinance No. 99-50 of 22 November 1999 determines the rates for the disposal and occupation of State lands in the Republic of Niger;

2. Procedure for expropriation in the public interest

229. According to Article 1 of Law No. 2008-37 of 10 July 2008 amending and supplementing Law No. 61-37 of 24 November 1961 governing expropriation in the public interest and temporary occupation of public domain, “Expropriation is the procedure by which the State, in the public interest and subject to fair and prior compensation, can compel a person to assign ownership of a building.

Expropriation can only be invoked when public interest has been declared and that the prescribed formalities have been complied with as indicated in Chapter 2 of this Title (...)

Measures taken to ensure that the compensation made for public acquisition of property actually compensates the rights of the individual or the larger interests of the society

230. In any case, the compensation is paid prior to the assignment of the property. Fair and prior compensation as prescribed by law supposes that an amicable settlement was reached between the Administration and the owners of the property to be expropriated, and the compensation amount has been determined by a special judicial unit based on objective information provided by the parties. For example, expropriations were carried out with regard to certain buildings in Niamey for the construction of interchanges and riparian populations of the Niger river in the Tillabéry region were also expropriated for the construction of the Kandaji dam. Those expropriated received compensation determined by amicable agreement or by the courts.

Measures taken to ensure that members of vulnerable and deprived groups, particularly indigenous communities/populations that are victims of historical land injustices have access to and independent use of their lands and have the right to claim their ancestral rights and that they are duly compensated for the destruction or historical and current alienation of their wealth and resources.

231. There are no indigenous populations in Niger. Consequently, there are no issues in this regard.

Measures taken to ensure equality and non-discrimination in gaining access to, acquiring, possessing, inheriting and controlling land and houses, especially by women and low-income groups.
232. Current regulations in Niger ensure equality and non-discrimination in gaining access to, acquiring, possessing, inheriting and controlling land and houses. However, inheritance by women may be perceived differently when customary practice is applied. In fact, in Niger, the legal regime of inheritance is marked by the existence of two groups of relevant rules: law and custom. Though, under the law, the egalitarian principle is not subject to any restriction, customary practice, where it is applicable, establishes an unequal inheritance system between men and women, as the latter receives just half of the inheritance given to men depending on the family ties with the deceased. Nonetheless, victims still have appropriate judicial remedies to make their case heard.

B. RIGHT TO WORK (Article 15)

Legislative and administrative measures taken to prohibit slavery, forced labour and economic exploitation of children and other members of vulnerable and disadvantaged groups (provide details of criminal laws and examples of the implementation thereof)

233. Article 14 of the Constitution of 25 November 2010 stipulates that “no one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment or punishment ...”.

234. The following actions can be mentioned within the framework of combating the worst forms of child labour:
- Adoption of Law No. 2012- 45 of 25 September 2012 on the Labour Code of the Republic of Niger, which states in Article 107 that “children aged fourteen (14) years may do light work. The employer shall be obliged to send a prior declaration to the labour inspector of the jurisdiction who shall have eight (08) days to notify him of his possible agreement or disagreement.

In any case, the worst forms of child labour shall be prohibited:
1. All forms of slavery or similar practices, such as forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts;
2. The use, recruitment or offering of a child, the production of pornographic material or pornographic performances;
3. The use, recruitment or offering of a child for illicit activities, particularly for the production and trafficking of narcotic drugs, as defined by the relevant international conventions;
4. Work which, by its nature or the circumstances in which it is executed, is likely to undermine the health, safety or moral standards of the child”;
- The Draft of the regulatory part of the Labour Code which is being adopted, lists the hazardous work and categories of companies prohibited to children.

235. In order to ensure effective implementation of ILO Convention 182 on the Worst Forms of Child Labour, penalties are provided for any violators of the provisions of this Convention, which may include fines or sentences and particularly those provided for in Articles 342, 345 and 346 of the Labour Code. Pursuant to Article 178 of the Draft Decree establishing the
statutory part of the Labour Code “the employment of children under the age of eighteen (18),
shall, in addition to the entry in the registry of employers, necessitates a special register called the child employment register...”.

236. The child employment register is quoted and initialled free of charge by the court of first
instance of the place of business and kept at the disposal of the labour inspector.

237. It should be noted that several organizations of employers and workers are increasingly
involved in combating child labour. A good example is the Federation of Employers’ Organizations (FOP) of Niger.

238. Several institutions and services contribute to the fight against slavery and sexual
exploitation of children. These include Ministries, the National Commission for Human Rights
(CNDH), the National Commission in charge of coordinating the fight against Trafficking in Persons (CNCLTP), the National Agency for combating Trafficking in Persons (ANLTP),
courts, the police, the gendarmerie, the administrative authorities and civil society. Traditional
rulers are educated to adopt a change in their attitudes towards slavery and human trafficking.

239. Concerning begging by children under duress, in addition to the criminal provisions
provided for this purpose, awareness-raising campaigns and film projections on the risks
related to this phenomenon are regularly carried out by the State and civil society
organizations.

- Legislative and administrative measures taken to prohibit forced labour.

240. According to Article 4 of the Labour Code “Forced or compulsory labour shall be
prohibited”. The term “forced or compulsory labour” means any work or service exacted from
an individual under the threat of any penalty and for which the individual has not voluntarily
offered himself.

241. With regard to other actions undertaken to combat forced labour, mention can be made of
the establishment of the National Commission to Combat the Survival of Forced Labour and
Discrimination.

242. The Labour Code and the General Rules and Regulations governing the Public Service
have clearly defined the methods of recruiting workers and the duration of their appointment.
These texts also prohibit the use of forced labour.

243. Forced or compulsory labour cannot in any way be considered as a disciplinary labour
measure. According to Article 337 of the Labour Code: “The perpetrators of violations of the
provisions of Article 4 relating to the prohibition of forced or compulsory labour shall be
liable to a fine of five hundred thousand (500,000) to two million (2,000,000) francs and an
imprisonment term of two (2) to five (5) years or of either of these two penalties only”.
Concerning public officials or public authorities, laws have been passed to punish acts which can be considered as forced labour committed by the employer.

The Government of Niger has requested technical support from the International Labour Office (ILO) to assist it in its fight against forced labour and discrimination. In response to this request, the Support Project to Combat Forced Labour and Discrimination (PACTRAD) was implemented from 2006 to 2008, followed by a second phase covering the period from January 2014 to March 2016. The overall objective pursued by PACTRAD is to contribute to the reduction of its intolerable forms.

In addition to ratifying Convention No. 29 on Forced Labour and Convention No. 105 on the Abolition of Forced Labour, Niger was the first country to ratify the 2014 Protocol relating to the Convention on Forced Labour on 14 May 2015.

Legislative and administrative measures taken to ensure the right to form trade unions (right to collective bargaining and the right to strike)

Trade union rights are enshrined in Article 34 of the Constitution which stipulates that “the State shall recognize and guarantee the right to trade unions and the right to strike which shall be exercised in accordance with the laws and regulations in force”. The State, through the Labour Code and the General Rules and Regulations governing the Civil Service, has reaffirmed the trade union rights already granted to workers in both the public and private sectors.

Article 183 of the Labour Code states: “Persons practicing the same profession, similar trades or related professions that contribute to the manufacture of specific products or the same liberal profession may freely form a trade union. Any worker or employer may, within the scope of his profession, freely adhere to a trade union of his choice. The same shall apply to persons who no longer exercise their duties or profession, provided that they have exercised the latter for at least one year.”

With regard to the conditions governing the formation of trade unions, Article 189 of the Labour Code provides that the founders of any trade union shall have a file of the statutes and names of those responsible for its administration or management. The said file shall be deposited at the town hall or at the seat of the administrative district where the trade union is established. This file shall be deposited at the mayor’s office or at the seat of the administrative district in which the trade union is established against a receipt. A copy of the statutes shall be sent to the labour inspector of the jurisdiction and to the public prosecutor. The same authorities must be notified, under the same conditions, of amendments to the statutes and changes in the composition of the management or administration of the trade union. Article 191 of the Labour Code permits minors aged over sixteen (16) to join trade unions and Article 192 provides that any member of a trade union may withdraw at any time notwithstanding any clause to the contrary without prejudice of the right of the trade union to claim the contribution for the six (6) months following the withdrawal of membership.
250. Besides, Niger has ratified ILO Conventions No. 87, No. 98 and No.154 on freedom of associations, the protection of the right of associations, the right to organize and bargain collectively, and the promotion of collective bargaining.

251. The freedom of association has led to the proliferation of trade unions with the creation of thirteen (13) trade union centres, which have formed unions, federations and trade union confederations. These include:

- the Union of Niger Workers’ Unions (USTN);
- the Niger Labour Confederation (CNT),
- the Democratic Confederation of Niger Workers (CDTN);
- the General Union of Niger Workers (UGTN);
- the General Confederation of Free Trade Unions of Niger (CGSL);
- the General Union of Trade Unions of the Informal Economy of Niger (UGSEIN);
- the Progressive Union of Workers’ Union (USPT);
- the National Union of Auxiliary Unions of the Administration of Niger (UNSAAN);
- the Union of Free Trade Unions of the Auxiliaries of Niger (USLAN);
- the Union of Free Trade Unions of Niger Workers (USLTN);
- the General Confederation of Labour (CGT);
- the Confederation of Workers’ Trade Union of Niger (CSTN);
- the Democratic Union of Niger Workers (UDTN).

252. It should be emphasized that the workers’ professional organizations have formed two trade union confederations, namely the Federation of Employers’ Organizations (FOP Niger) and the National Council of Niger Employers (CNPN).

253. The only restriction on the right to form a trade union is seen at the level of the Defence and Security Forces (Police since 1996, Army, National Guard, Gendarmerie to which the national legislation formally prohibits the formation of trade unions and strikes. Nevertheless, it is admitted that the Government is able to provide them with a specific regime.

254. With regard to matters relating to employment, labour and security which are the common concerns of the trade union confederations, the Government is negotiating with special partners within the Inter-Ministerial Committee charged with carrying out negotiations with social partners on behalf of the Government. It is a permanent consultative and negotiating framework composed of several Ministers, chaired by the Minister of Employment, Labour and Social Protection and placed under the supervision of the Prime Minister, Head of Government. Its missions are:

- to provide regular information to social partners with regard to Government actions in order to promote their adherence and to prevent and/or resolve conflicts;
- to negotiate or conclude agreements with the social partners within the purview of claims;
- to monitor and implement the agreements signed with social partners;
- to ensure compliance with the commitments made by the parties.
The existence of a National Labour Council (CNT) should also be noted. It is a tripartite body composed of representatives of the Government, employers and workers. The CNT examines the concerns of workers’ trade union organizations and takes decisions that are subsequently translated into law or other regulatory instrument.

The existence of a National Commission on Social Dialogue (CNDS) should equally be pointed out. It is attached to the Prime Minister’s Office, which must ensure its functioning. It is a quadripartite body (employers, workers, government and civil society) charged with permanent consultation and brainstorming with social partners on issues relating to all kinds of social conflicts. Its mission is to promote social dialogue in Niger. In this regard, it is responsible for:

- the effective establishment of social dialogue between the social partners;
- the prevention and management of collective disputes;
- facilitating the settlement of collective disputes.

The right to strike is guaranteed by Article 34 of the Constitution of 25/11/2010, which provides that “the State shall recognize and guarantee the right to trade unions and strike which shall be exercised under the conditions laid down by laws and regulations in force.” Similarly, Article 320 of the Labour Code stipulates: “All employees shall have the right to strike under the conditions and in accordance with the procedure laid down in the first section of this chapter. They may be dismissed for strike action only in the event of gross negligence”.

Article 15 of Law No. 2007-26 of 23 July 2007 on the General Rules and Regulations governing the Public Service also stipulates that “the right to strike shall be granted to civil servants in defence of their collective material, moral and professional interests. It shall be exercised under the conditions laid down by law”.

It should be noted that the exercise of the right to strike by State employees and local authorities is governed by specific legislative and regulatory instruments notably:

- Ordinance No. 96-09 of 21 March 1996 laying down the conditions for the exercise of the right to strike by State and local government employees;
- Decree No. 96-092/PSCN/MFP/T/E of 16 April 1996 laying down modalities for the application of Ordinance No. 96-09 of 21 March 1996 laying down conditions for the exercise of the right to strike by State and local government employees.

In accordance with the provisions of Article 322 of the Labour Code: “any collective dispute must be immediately notified by the parties to the Labour Inspector of the jurisdiction who shall convene them and proceed to a conciliation which shall not exceed forty-eight (48) hours from the date of the appearance of the parties”.

Article 326 of the aforementioned Code specifies: “in the event of total or partial disagreement at the end of the conciliation phase, the wage party intending to pursue the dispute shall be required to give a notice of strike action to the employers’ organization within
a minimum deadline of three working days. The party which gives notice of strike action shall at the same time inform the Labour Inspector thereof. At the expiry of the period of notification, workers may resort to the strike action”.

262. The only restriction on the right to strike relates to the obligation of striking workers to organize a compulsory minimum service in vital and/or strategic services. The list of these services is contained in Ordinance No. 96-09 of 21 March 1996 laying down conditions for the exercise of the right to strike by State and local government employees.

263. This ordinance defines vital and/or strategic services as all services whose interruption is likely to endanger the life, safety or health of persons in the entire national territory or part of the national territory or have serious consequences on the security or economy of the country. These services are:

- telecommunications;
- health services;
- State media;
- water production and supply services;
- electricity production and supply services;
- hydrocarbon production services;
- air transport services;
- financial services;
- public transport;
- the road network;
- services provided by officials acting as bodies of public authorities.

Details on efforts made to ensure adequate protection against arbitrary, unjust and unjustified dismissals and resignations as well as other unfair labour practices

264. The legislation has not evolved since the recent report was submitted.

Practical measures taken to realize everyone’s right to earn a living through freely chosen and accepted work (job creation)

265. The National Employment Policy adopted in 2009 seeks to “place job creation at the centre of the objectives of economic and social policy development at the national, regional and local levels for the sustainable reduction of poverty and the improvement of the living conditions of each Niger citizen”. It prioritizes the development and implementation of specific job creation and promotion programmes for vulnerable groups such as the youths, women and persons with disabilities. This policy is being revised to help induce social change in the decision-making or behaviour of PNE stakeholders on the field and to increase access to paid and decent jobs for vulnerable persons in Niger.

266. The ongoing projects in the domain of job creation and poverty alleviation are:

- the President of the Republic’s Renaissance Programme envisaging job creation;
- the “Niamey Nyala” project or “Niamey la coquette” targeting urban infrastructure development and road works, which should lead to the creation of several jobs;
- the Initiative “3N” whereby Nigeriens Nourish Nigeriens, a project initiated to remedy the food shortage, is one of the projects likely to absorb the unemployment of the most disadvantaged socio-professional categories of rural youth and women.

267. Regarding the socio-professional integration of youths, the main activities carried out concerned the preparation of a draft decree introducing incentives for the employment of youths and a draft decree laying down modalities for organizing internship for initiation into professional life.

268. A training and establishment programme for youths who have graduated from training centres in micro-enterprise and a Youth Employment Programme for Works of Public Interest in councils (PEJ/TIPC) were formulated within the framework of the development and implementation of specific youth employment programmes. This programme was focused on the Diffa region in accordance with Circular Letter No. 00591/DIRCAB/ PM/SCC of 19 March 2015 relating to the emergency programme for the Diffa region.

269. The ANPE job promotion programmes were assessed in 2014, after several years of implementation. The resultant recommendations led to the development of a single programme with three components:
- the Internship Initiation Contract to Professional Life (COSIVIP) for graduates of higher and professional education seeking first employment;
- the Professional Reconversion Contract (CRP) for graduates of higher, technical and professional education and for those who have lost their jobs;
- the Enterprise Creation Support Programme (PACE) intended to promote entrepreneurial spirit among youths and to help them in the process of setting up businesses.

270. Following the recommendations of the organizational audit and diagnostic studies and the revision of employment programmes, two regional branches of ANPE were created (one in Niamey and the other in Dosso) in order to ensure a better establishment of the Agency on the national territory.

271. In a bid to better support job seekers and to provide better support to enterprises, ANPE trained 37 employment and professional orientation counsellors (12 in 2015), with the support of the Growth Skills Development Project (PRODEC) funded by the World Bank.

272. Moreover, a process to implement a development strategy for labour intensive activities (HIMO) was launched with the support of the ILO in order to reinforce social protection and job creation.

273. All these actions led to the creation of 711,053 jobs from April 2011 to July 2015, representing a 284.42% realization rate. These jobs are broken down into 137,028 permanent
jobs and 573,035 temporary jobs, representing 19.30% and 80.70% respectively. The creation of professional schools and public works sector as well as the cash for work.

274. We also note the implementation at the level of the Ministry of Employment, Labour and Social Protection of a Youth Employment Programme for Public Works in Councils which is a programme to mobilize unemployed youths for labour-intensive and public utility works in urban and rural councils. These works include:

- the construction of gutters on lanes, construction of pedestrian tracks;
- cleaning out gutters and sewers;
- disposing of household refuse and bio-oxidizable materials;
- planting and taking care of trees along major streets;
- raising awareness on issues related to health, education…

275. The target population is made up of youths aged 18 to 35, men and women, graduates, school dropouts, without occupation and regularly registered in the records of communes as job seekers or residents. It equally concerns the long-term unemployed.

Legislative and administrative measures taken to guarantee everyone’s right to equitable and satisfactory working conditions (work hygiene, equal pay for work, rest, recreation and a reasonable limit of hours of work, periodic paid holidays, paid public holidays and parental leave)

276. According to Article 136 of the Labour Code: “In order to protect the life and health of employees, the employer shall be bound to take all appropriate measures that are required in operating a company. He must develop installations and organize work in a way that protects employees from accidents as much as possible. Where sufficient protection against risks of accident or health damage cannot be provided by other means, the employer shall supply and maintain personal protective equipment and protective clothing which may reasonably be required for employees to work in total safety”.

277. The employer is bound to provide a hygiene and security training to newly recruited workers and employees who change work station or technique.

278. Better still, Article 138 adds “It shall be prohibited for all persons to introduce or supply, to permit the introduction or supply of alcoholic drinks to workers in establishments or enterprises”.

279. The employer or his representative is obliged to organize permanent control to ensure compliance with hygiene and safety rules.

280. Article 143 provides that “where the workers’ security and health conditions are in danger, the employer shall be warned by the labour inspector to restore the requisite conditions.”
Where urgent circumstances are required for the protection of the life or physical integrity of workers, the labour inspector may apply to the judicial judge for an order requiring that the total or partial closure of the company be ordered without delay pending restoration of normal safety conditions”.

Article 145 of the Labour Code provides that “in establishments or companies that usually recruit at least fifty (50) workers, an occupational safety and health committee shall be established. It shall be composed of the employer or his representatives and Staff representative.

The labour inspector may request the establishment of a committee for occupational safety and health in establishments having a smaller workforce where necessary, especially because of the dangers inherent to the activity, the importance of the risks observed, the nature of the work and the layout or equipment of the premises”.

281. According to article 155 of the same code "stress, smoking, alcoholism, drug addiction and HIV/AIDS are the emerging health risks in the labour world. Every employer shall be obliged to inform and sensitize his workers on emerging risks and to provide them with psychosocial assistance”.

282. Article 158 of the Labour Code stipulates that every employer is obliged to ensure equal remuneration for all workers, for the same work or work of equal value, irrespective of their origin, sex, age and status.

283. Article 159 of the Code adds that "the various elements of remuneration must be established according to the same standards for men and women. Professional categories, occupational classifications and promotion criteria must be the same to workers of both sexes ".

284. In all cases, job evaluation methods must be based on objective considerations that are based mainly on the nature of the work that these jobs entail.

285. The principle of equal remuneration is reaffirmed by the Collective Inter-Professional Convention which stipulates in Article 328 that "for equal conditions of work, vocational qualification and performance, wages shall be equal for all workers regardless of their origin, age, gender and status. The wage of each worker shall be determined according to the work assigned to him in the company "

286. Lastly, Article 160 of the Labour Code provides that "where the employee provides serious indications of discrimination contrary to the provisions of Articles 158 and 159 above, it shall be incumbent on the employer to prove that there is no discrimination ".

287. In Niger, paid leave is governed by the Labour Code and the Inter-Professional Collective Agreement.
288. Indeed, Article 116 provides that "except in the case of more favourable provisions of collective agreements or contracts of employment, a worker shall be entitled to a leave, paid by the employer at the rate of two and a half (2.5) calendar days per month of actual service, regardless of age. The duration of the leave shall be increased by two (2) working days after twenty (20) years of continuous or non-continuous service within the same company, four (04) days after twenty-five (25) years of service and six (06) days after thirty (30) years. The right to a leave shall be acquired after an effective period of service equal to twelve months. The effective enjoyment of a leave may be postponed by agreement between the parties but the effective duration of service shall not exceed twenty (24) months ".

289. It is important to note that for the purpose of calculating the length of leave acquired, no deductions are made for absences from work because of accidents or occupational diseases, statutory periods of rest for women in childbirth, compulsory military periods and absences due illness or non-professional accidents within the limit of six months and the exceptional permissions duly granted by the employer in accordance with the regulations in force.

290. With regard to the granting of paid leave, Article 126 of the Labour Code provides that the employer must pay the worker, at the time of his departure on leave and for the duration of the leave, an allowance that is at least equal to salaries and the various elements of remuneration which the worker received during the twelve months preceding the date of departure on leave.

Right to reasonable limits on hours of work, paid public holidays and parental leave

291. According to Article 99 of the Labour Code "In all public or private educational establishments or charities, the legal duration of the work of employees or workers of either sex of any age working full time or part time, shall be fixed at forty (40) hours per week. Hours worked beyond the statutory working hours shall give rise to a salary increase".

Legislative and administrative measures taken to ensure equality and non-discrimination in access to decent work, promotion without discrimination against members of vulnerable and disadvantaged groups

292. Regarding women, the principle of equal access to public employment remains fundamental and no discrimination is tolerated. The principle of equal eligibility for public and private employment is established both by the general rules and regulations governing the civil service of the State and by the Labour Code. Any act of discrimination in this regard entails the cancellation of recruitment without prejudice to disciplinary or even criminal penalties as the case may be. As a result of these provisions, women increasingly apply for jobs in the public and private sectors and improve their representativeness. Thus, the rate of female civil servants has increased in recent years from 30.66% in 2011 to 33.50% in 2013.

293. Table: Breakdown of jobs created per sector of activity and types of jobs (2011 - 2015)

<table>
<thead>
<tr>
<th>Activity sector</th>
<th>Permanent jobs</th>
<th>Temporary jobs</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture /</td>
<td>2399</td>
<td>92337</td>
<td>94776</td>
<td>12.68</td>
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</tbody>
</table>

60
Livestock breeding

<table>
<thead>
<tr>
<th></th>
<th>Hydraulics</th>
<th>Environment</th>
<th>Drainage work</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2226</td>
<td>402474</td>
<td>404700</td>
<td>54.16</td>
</tr>
<tr>
<td>Health</td>
<td>6348</td>
<td>1126</td>
<td>7474</td>
<td>1.00</td>
</tr>
<tr>
<td>Education</td>
<td>57945</td>
<td>706</td>
<td>58651</td>
<td>7.14</td>
</tr>
<tr>
<td>Industry-Mines- Oil</td>
<td>2956</td>
<td>102</td>
<td>3058</td>
<td>0.40</td>
</tr>
<tr>
<td>Warehousing-Transport-</td>
<td>2219</td>
<td>109087</td>
<td>111306</td>
<td>14.89</td>
</tr>
<tr>
<td>Communication</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water-Electricity-Gas</td>
<td>58</td>
<td>0</td>
<td>58</td>
<td>0.00</td>
</tr>
<tr>
<td>Trade-Tourism-Banking</td>
<td>2777</td>
<td>12621</td>
<td>15398</td>
<td>0.49</td>
</tr>
<tr>
<td>Finance-Insurance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Banking</td>
<td>3420</td>
<td>276</td>
<td>3696</td>
<td>0.49</td>
</tr>
<tr>
<td>Public Works-Urban</td>
<td>4990</td>
<td>20348</td>
<td>25338</td>
<td>03.39</td>
</tr>
<tr>
<td>Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Governance</td>
<td>13492</td>
<td>9270</td>
<td>22762</td>
<td>3.04</td>
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<tr>
<td>Total Public Sector</td>
<td>98830</td>
<td>648387</td>
<td>747217</td>
<td>91.55</td>
</tr>
<tr>
<td>Private Structures</td>
<td>55055</td>
<td>13872</td>
<td>68927</td>
<td>8.44</td>
</tr>
<tr>
<td>Total</td>
<td>153885</td>
<td>662259</td>
<td>816144</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>18.86</td>
<td>81.14</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>

Source: MET/SS Directorate General of Employment and Integration (DGE/I)

294. Article 5 further stipulates: "Subject to the express provisions of this Code or any other legislative or regulatory enactment protecting women and children, as well as provisions relating to the status of foreigners, no employer may take into consideration sex, age, national extraction or social origin, race, religion, colour, political and religious opinion, disability, HIV/AIDS, sickle cell anaemia, membership or non-membership of a trade union and the trade union activity of workers in order to take decisions concerning, inter alia, the hiring, conduct and distribution of work, vocational training, promotion, remuneration, the granting of benefits, discipline or termination of the employment contract ".

C. **RIGHT TO HEALTH** (Article 16)

Legislative and administrative measures taken to ensure the provision of essential drugs to all those in need as defined periodically in the WHO programme of action on essential drugs and antiretrovirals in particular.

295. The availability of drugs and medical consumables, including ARVs, has improved in recent years. 15.33 per cent of routine health expenses in 2015, or about CFAF 46.5 billion, was earmarked for the supply of drugs, vaccines, consumables, food and therapeutic inputs, reagents, blood and derivatives.
296. The creation of various budget lines dealing with medicinal products, particularly those relating to free treatment for certain categories of patients, undoubtedly favoured access to basic drugs (children under 5 years old, tuberculosis patients, lepers, women victims of gynaecological cancers, Family Planning, ARVs ...). The implementation of certain health programmes (ambulatory surgery), malaria, tuberculosis, eye health, geo helminths and bilharziasis, etc) also facilitated access to drugs.

297. Campaigns for screening, distribution of drugs, vaccines and treatment of other pathologies were organized. These include leprosy screening, cholera control, meningitis, measles, poliomyelitis and Guinea worm.

298. The implementation of the national health policy is guided by nine main principles, including the one on universal access to affordable and quality generic essential drugs (MEGs). Concretely, the PDS 2017-2021 has planned several actions in this regard:
- strengthening the legal framework in the pharmaceutical sector;
- strengthening the MEG supply chain by implementing the national plan for the supply of drugs, inputs, blood and derivatives;
- strengthening local production of drugs with a view to gradually increasing its production, and reducing the cost of drugs;
- strengthening quality control of drugs;
- ensuring the availability of drugs, blood and quality derivatives in health facilities;
- intensifying the fight against the illicit sale of drugs and counterfeit drugs;
- building the capacities of the services on the production technologies of the Improved Traditional Medicines.

299. With regard to ARVs, Niger has, since 2004, set up a free ARV policy called the Niger Initiative for Access to ARVs (INARV). ARVs and other healthcare are provided free of charge to all patients, reason why Niger has created an ARV budget line since 2011, which has now become a line of support for the HIV response regularly included in the finance law that allows in addition to ARVs, the acquisition of reagents and other biomedical equipment related to the medical care of HIV.

300. The number of prescribing sites for the care of people living with HIV increased from 13 in 2011 to 68 in 2015 in the 8 regions of the country. This enabled ARV treatment of 13,425 patients in 2015 as against 9,420 patients in 2011. As part of the prevention of mother-to-child transmission of HIV, the number of PTME sites increased from 621 in 2011 to 819 in 2015. Thus, 4,022 HIV-infected women received prevention of mother-to-child transmission of HIV through ARVs.

Legislative and administrative measures taken to ensure universal vaccination against major infectious diseases, as well as measures taken to prevent, treat and control epidemics and endemic diseases

301. The proportion of fully immunized children remained stationary at 52% (EDSN 2012). Regarding the fight against vaccine-preventable diseases, Niger is implementing the strategies
recommended by WHO for the elimination of neonatal tetanus. Neonatal tetanus is considered to have been eliminated in Niger since March 2016.

302. New vaccines have been introduced into the expanded immunization programme, including vaccines for the prevention of rotavirus diarrhoea, pneumonia and pneumococcal and haemophilus meningitis, cervical cancer (HPV) in pilot testing, injectable polio vaccines. In perspective, the introduction of the ROR for the prevention of measles, mumps and rubella, the MEN Afrivac against meningitis and the vaccine against hepatitis has been planned. The State has mobilized more than 7 billion CFA Francs within the framework of co-financing vaccines.

303. In terms of prevention, the PNS plans to focus on immunization of children aged 0-11 months and pregnant women through capacity building of the MSP to ensure the continuation of routine activities and National Immunization Days (NIDs) coupled with the National Micronutrient Dissemination Days (NMDs) and bilharziasis and geo helminth drugs.

304. With regard to the prevention, treatment and control of epidemics and endemic diseases, the actions carried out concerned the organization of campaigns for screening, distribution of drugs, vaccines and treatment of various pathologies. These include leprosy screening, cholera control, meningitis, measles, poliomyelitis and Guinea worm.

305. It should be noted that zero cases of wild poliovirus have been maintained over 3 successive years and the country should be eligible from 2016 onwards.

306. Operational strategies in areas not yet covered (hypertension, diabetes, sickle cell anaemia, cancers, ...) are developed with the organization of awareness missions in the 8 regions of Niger.

307. The resumption of the ambulatory surgery programme in the year 2015, enabled the operation of 1,026 patients with all pathologies combined and 3,576 surgical and gynaecological consultations and 970 gynaecological consultations. Outings for dental surgeries have taken care of 2,086 people.

308. There is the creation of a Health Promotion Directorate, the development of the Strategic Plan for Health Promotion, schools and universities for the period 2016-2020.

Show how the national plans and policies adopted and implemented by the State meet the requirements set out in paragraphs 67 (6) to (18), and in particular how the plans are designed to ensure access by all to adequate healthcare and medical treatment in the event of illness or accident. This should include the individuals' proximity to affordable and quality health services.

309. All the efforts made by the State led to a 48.33% health coverage by 2016. Medical care is provided in the public sector by 33 district hospitals, 6 regional hospitals, 7 mother and child regional hospitals, 4 national hospitals and 1 national referral maternity. As for the private
sector, there are 5 private hospitals and about 30 private clinics. It should be noted that there are insufficient technical and human resources at all levels.

310. Out of the 33 district hospitals in the country, 28 are equipped with functional surgical blocks. This means that the people living in these Health Districts (DS), except those close to the Regional Hospital Centre (CHR) and the National Hospitals (HN), face serious problems of access to emergency interventions such as caesarean sections, blood transfusion, abortion care and anaemia.

311. In 2013, an Emergency Medical Assistance Service (SAMU) was set up in Niamey to provide medicalized transport and pre-hospital care for accidents and emergencies. From 2014 to 2015, the SAMU performed 2,286 trips (an average of 5 per day) during which 2,586 patients were rescued.

312. The cost of services is affordable in the public sector compared to the private sector. The direct payment made by households is the first mode of financing health with 52.27% in 2015 as against 54.91% in 2014, testifying to the weakness of the systems of mutualisation of disease risks.

313. Following the organization of a national social protection forum in 2013, the Government set up a National Working Group on Universal Sanitary Coverage (GNT/CSU) in 2014. This technical group is responsible for the orientation and coordination of the CUS stakeholders in the country. In this connection, a universal health insurance architecture was developed. In addition, a series of training sessions were organized for members of the group. Efforts still need to be made to operationalize the implementation of the architecture.

314. Concerning protection against financial risk, the Government introduced the free-of-charge measure for pregnant women and children under the age of 5 in 2006. Free access is applied to antenatal care, services related to caesarean section, the treatment of female cancers and the preventive and curative care of children under 5 years of age. This measure, which is applied nationwide, should contribute to the protection of households against the financial risk associated with the payment of healthcare. However, it should be noted that the delay in reimbursement experienced by health facilities has resulted in direct payment by the target population. It rose from 34% in 2003 to 54.91% in 2014. The bulk of the household contribution to health expenditure is in the form of direct payment, which is the main mode of financing health.

315. Other financial risk protection mechanisms exist in the country. These are: non-profit institutions serving households (ISBLSM), companies, voluntary health insurance schemes and the National Social Security Fund. Their contribution to health care spending remains marginal. In 2014, ISBLSM contributed 1.55% of routine health expenditure, 2.39% for enterprises, 1.12% for voluntary health insurance schemes and 0.61% for the National Social Security Fund.
Legislative and other measures taken to ensure that any privatization of the health sector does not pose a threat to the availability, accessibility, acceptability and quality of structures of health goods and services

316. Law No. 98-016 of 15 June 1998 to authorize private practice in the health sector and its implementing Decree No. 98-329/PRN/MSP of 19 November 1998 laying down the terms and conditions for the private practice in the health sector. This sector is in full expansion. The 276 healthcare facilities that existed in 2010 rose to 356 in 2015. These healthcare facilities are oriented especially towards curative activities and are based mainly in urban centres such as Niamey, Maradi and Zinder.

317. The private sector, which should compensate for the shortcomings of the public sector, suffers from inefficiencies due to insufficient establishments and support for their establishment and the anarchical creation of them with uncontrolled tariffs, owing to shortcomings of legislative and regulatory instruments. The current regulatory instruments are being revised to take into account all these shortcomings.

Legislative and other measures taken to protect individuals and peoples from environmental, industrial and occupational hazards, prevent air, soil and water pollution and to mitigate the adverse effects of urban development, industrialization, global warming and food security

318. Concerning ongoing programmes and actions to ensure environmental sustainability, mention can be made of:

- the reversal of trends in land and water degradation in the Niger River basin;
- the National Programme of Action for Adaptation to Climate Change;
- the National Reference Programme of Access to Energy Services (PRASE);
- the project "Implementing urgent and priority actions to strengthen the resilience and adaptability of the agricultural sector to climate change in Niger";
- the formulation of the National Forestry Plan for the period 2012-2021, the objective of which is to promote the conservation and sustainable use of forest resources so that they contribute to sustainable agricultural development and poverty alleviation by generating additional income;
- the adoption by Decree No. 2014-726/PRN/MESU/DD of 26 November 2014 of the Strategic Investment Framework in Sustainable Land Management, the objective of which is to prioritize, plan and guide the implementation of investments in Sustainable Land Management;
- Niger's participation in the implementation of the "Great Green Wall" initiative, which seeks to improve the livelihoods of the communities in the Sahelo-Saharan zones through a sound management of the ecosystems;
- the official ban on the importation of chlorofluorocarbon into Niger;
- the establishment of a plan to phase-out the ozone-depleting substances with attendant measures.
With regard to legislative and other measures taken to protect individuals from occupational hazards, mention can be made of:

- the draft revision of Decree 67-126 of 7 September 1967 being adopted, which will determine the general measures of protection and health applicable to all establishments and enterprises subject to the Labour Code and also the lists of substances and preparations dangerous to workers, the use of which is restricted or regulated, and lists of machines or their dangerous parts, the manufacture, sale, importation, the transfer for whatsoever reason and the use of which are prohibited.

- Decree No. 96-408 of 4 November 1996 laying down rules for the establishment, organization and functioning of health and safety committees in places of work;

- the Directorate of Occupational Safety and Health (DSST) which has as mission amongst others to:
  - Inform and educate workers in the domain of occupational safety and health;
  - Monitor the application of texts on occupational safety and health and improve working conditions and the working environment;
  - Initiate draft legislative and regulatory instruments on occupational health, safety and health…

- the institution of the African Prevention Day (JAP). Each year and within the framework of preventing occupational risks, the month of April is declared "month of prevention of occupational risks" by the African Institute of Prevention of Professional Risks (IAPRP);

- the African Trade Fair for the Prevention of Occupational Risks (SAPRIP). This fair takes place every three years in Niger within the framework preventing occupational risks.

- the Forum of Committees on Occupational Safety and Health. Within the framework of preventing occupational risks, this forum holds every three years in Cotonou in Benin and brings together all CIPRES member countries.

**Legislative and other measures taken to ensure the right not to be subjected to medical or scientific tests without free and informed consent**

In order to strengthen the regulatory framework for research, an advisory organ called the Ethics Committee on Health Research was set up on 1 December 2016 by Decree No. 2016-644/RN/MSP.

This organ is responsible for conducting an independent, competent and expeditious review of the ethical aspects of health research involving human beings, providing advice on ethical issues and problems in the domain of health, and disseminating the rules of ethics governing Health Research.

**Legislative and other measures taken to ensure recognition, acceptance, development, efficiency, modernization and integration of traditional medicine into the public healthcare**
Several strategies have been envisaged in the PDS 2017-2021 to ensure the development and integration of traditional medicine into the public healthcare system. They include the capacity building of the services on the production technologies of Enhanced Traditional Medicines (MTA), the guidance of the traditional practitioners in the organization of the MT channel and the setting up of a framework of consultation between the MSP and the Associations of Tradipraticians of Niger.

**Legislative and other measures taken to ensure that the obligations set out in paragraphs 67 (24) to (37) of the Principles and Guidelines for the Rights of Vulnerable and Marginalized Persons are met, and particularly the following:**

a) **Specific measures to encourage members of vulnerable and disadvantaged groups to study medicine and public health and to join the health system as providers of services**

323. There has been no change at this level since the last visit.

b) **Legislative and other measures, including criminalization, social mobilization, information and education, to discourage harmful traditional practices, especially female genital mutilation, which impede the right to health.**

324. For an answer to this question, it is necessary to refer to paragraph No. 60.

c) **Measures to ensure the availability of specific health services for people with psychological, intellectual and physical disabilities such as early diagnosis and access to humane and dignified care and treatment to enable them to fully enjoy life**

325. A national strategic mental health plan for the period 2015-2018 has been developed. A school health office has been established at the Ministry in charge of primary education. One of its objectives is to ensure the early detection of disability in children.

**Specific measures taken to protect individuals affected or otherwise affected by epidemic, endemic, occupational and other diseases, particularly malaria, HIV/AIDS, tuberculosis, neglected tropical diseases and other infectious diseases**

326. Within the purview of rolling back malaria, the actions undertaken concern the acquisition of 8,511,121 Long-lasting Treated Mosquito Nets (MILDA), 11,154,812 Rapid Diagnostic Tests (TDR) and 8,512,062 doses of ACT (anti-malaria) including 3,200,000 for children. Other actions included the training of 1,600 health workers on the management of malaria cases and the training of 200 community health workers for the management of malaria cases at home (PECADOM) and providing care for children under 5 years of age. In addition, support for the implementation of universal health coverage and the implementation of the Convention between the Government of Niger and the Republic of Cuba within the framework
of rolling back malaria (fighting larvae with bio-larvicides) for an amount of more than CFAF 4 billion over 2 years; with the aim of reducing malaria-related morbidity by at least 80%.

327. Niger has also implemented a WHO recommendation for the implementation of chemo for the prevention of seasonal malaria affecting 835,000 children in 11 health districts. Routine health expenditures for malaria control were estimated at CFA 60.735 billion, or 20.06% of DCS in 2015.

Table 2: Evolution of cases and deaths related to suspected malaria by age group 2014-2015

<table>
<thead>
<tr>
<th>Age group</th>
<th>2014</th>
<th>2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cases</td>
<td>Deaths</td>
<td>Cases</td>
</tr>
<tr>
<td>&lt; 2 months</td>
<td>38 149</td>
<td>9</td>
<td>36435</td>
</tr>
<tr>
<td>2 -11 months</td>
<td>473 750</td>
<td>241</td>
<td>488219</td>
</tr>
<tr>
<td>1-4 years</td>
<td>1 975</td>
<td>1955</td>
<td>1653908</td>
</tr>
<tr>
<td>5-9 years</td>
<td>330 843</td>
<td>326</td>
<td>456242</td>
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<tr>
<td>10 - 24 years</td>
<td>377 250</td>
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</tr>
<tr>
<td>25 years +</td>
<td>488 735</td>
<td>177</td>
<td>652505</td>
</tr>
<tr>
<td>Total</td>
<td>3 683 922</td>
<td>2891</td>
<td>3817634</td>
</tr>
</tbody>
</table>

[Source: MSP 2014 and 2015 statistics directory]

328. This table shows that children under five years of age bear about half the burden of the disease (62.43%) and about three-quarters of that of malaria-related mortality in the country (74.65% of all malaria-related in 2014 and 2015).

329. Niger has, since joining the Global Roll Back Malaria Initiative (FRP) in 1999, developed three (3) strategic plans for malaria control. The Third Generation Strategic Plan covering the period 2011-2015 aimed to reverse the trends in the malaria incidence by 2015 and to begin halting its transmission with a view to eliminating it in 2025.

330. Currently, the National Malaria Control Programme (PNLP) is in the process of reviewing the implementation of this plan, with a view to developing a new National Strategic Plan 2017-2021. In spite of all the efforts made, particularly the distribution of mosquito nets (free distribution campaign, reduction of the prices of mosquito nets on the market, distribution of kits to pregnant women ...), chemo prevention of seasonal malaria, intermittent preventive treatment and management of cases that have reduced the case-fatality rate, malaria remain a priority problem as well as pneumonia and diarrhoea in children.

331. Concerning the fight against tuberculosis, it ranks high on the agenda of the MSP. In recent years, the fight against tuberculosis has gained renewed interest thanks to the support of the
State and its technical and financial partners. This struggle is organized through the PNLT, which is responsible for the design, coordination and evaluation of strategies for TB control.

332. The management of resistant tuberculosis was effective for all cases detected. Also, health centres were regularly supplied with anti-tuberculosis drugs, reagents and consumables.

333. The 2015-2018 communication plan and its support for the national strategic plan for the fight against tuberculosis 2015-2018 and a monitoring and evaluation plan were developed.

334. With regard to multiresistant tuberculosis (TB) screening, four regions were equipped with Genexpert devices to ensure the decentralization of the management of this form of tuberculosis. In addition, 12 new screening and treatment centres were established, increasing the number from 187 in 2011 to 199 in 2015, i.e. an average of 1 CDT for 92,973 inhabitants, which is in line with WHO standards (1 CDT/100,000 inhabitants). However, there are wide disparities between regions, in relation to population density and area. The efforts of the State, combined with those of the TFPs (Round 10 TB), enabled the majority of centres to be equipped with equipment, reagents and consumables for tuberculosis screening.

335. The PNLT central unit coordinates the interventions of the partners, participates in the mobilization of resources for the implementation and the follow-up of the control activities. Around this central unit there are national coordinating and regional coordination structures with a CDT network for Integrated Health Centres (CSIs) and hospitals with laboratories, and TB Centres for CSIs without laboratories.

NEGLECTED TROPICAL DISEASES (NTD)

336. From the list of 17 NTDs recommended by WHO, Niger targeted 10 NTDs in its 2011-2015 master plan. These include bilharziasis, dracunculiasis, lymphatic filariasis, geohelminthiasis, leprosy, onchocerciasis, trachoma, human trypanosomiasis, leishmaniasis and rabies.

337. Generally, the most important results in the control of NTDs are those recorded in the control of Guinea worm and leprosy. Niger prompted the certification of Guinea worm eradication by WHO in December 2013.

338. Efforts are also being made with respect to trachoma, where out of a total of 35 endemic health districts, only 7 continued Mass Treatment (TDM) in 2016.

339. Similarly, out of a total of 31 health districts that were endemic to Lymphatic Filariasis, 8 stopped treatment and no longer require TDM. The epidemiological situation of African Human Trypanosomiasis (THA) was assessed in 2014 and the situation is calm because there are no active outbreaks.
340. With regard to bilharziasis and geo helminths, all health districts continued endemic TDM. Three major programmes are being implemented as part of preventive checks, with integrated distribution campaigns. These include the National Programme for the Control of Bilharziasis and Geo Helminths, the National Trachoma Eye Health Programme housed in the NTDs, and the National Onchocerciasis and Lymphatic Filariasis Elimination Programme.

341. Regarding leprosy, in 2002 Niger achieved the goal of eliminating it as a public health problem (less than 1 case per 10,000 inhabitants). The prevalence at the end of 2014 was thus reduced to 346 cases, i.e. 0.19 cases per 10,000 inhabitants. From 2002 to 2014, cure rates increased from 58.84% to 91.25% of cases for multi-bacillary forms, and from 94.40% to 98.78% of cases for pauci-bacillary forms. As of 2003, the elimination threshold was reached in all 8 Regions and was consolidated for 11 consecutive years (2003 to 2014). All the health districts of the country have eliminated leprosy and consolidated the epidemiological results:

- 58,336 cases of trichiasis (trachoma) were operated, 16,300 185 people were treated;
- 55,095 cases of cataract were operated;
- 12,067,217 cases of bilharziasis were treated;
- 27,868,312 doses of Mectizan/albendazole were administered in 31 health facilities against Onchocerciasis/Filariais;
- 304 cases of elephantiasis were taken care of;
- 1,550 hydroceles were operated.

Measures taken to guarantee sexual and reproductive health in accordance with the State obligation set out in paragraphs 67 (64) to (70) of the Principles and Guidelines. Special emphasis should be placed on statistics illustrating efforts to reduce maternal mortality, stillbirth and infant and child mortality rates.

342. Promoting reproductive health is a constant concern for which the MSP has planned to establish multisectoral coordination to improve the effectiveness of interventions in this area.

Reduction of maternal mortality

343. Although Niger is one of the countries with the highest maternal mortality rates in the world, actions have already been taken to achieve a more satisfactory outcome.

344. The INS report on progress towards achieving the MDGs showed a decline in the maternal mortality rate from 535 ‰ in 2012 to 520 ‰ in 2015. Among the contributory actions, mention can be made of:

- free prenatal consultations, caesarean section, contraceptives and condoms;
- the implementation of the Health Development Plan;
- the National Population Policy and a Multisectoral Demographic Programme (PRODEM, 2005);
- the National Programme for Reproductive Health (PNSR, 2005);
- the implementation of the Roadmap to accelerate the reduction of maternal and neonatal mortality;
- the national IEC strategy for reproductive health;
- the creation of 1,244 schools for husbands (362 in Zinder, 229 in Maradi, 184 in Tahoua, 172 in Dosso, 100 in Tillabéry, 142 in Diffa and 55 in Agadez);
- the acquisition of new reproductive health infrastructures;
- the increase in human resources, particularly the number of midwives, which rose from 493 in 2004 to 1053 in 2014, representing an increase of 114%;
- the repositioning of FP in Niger.

345. Regarding the coverage levels of interventions with a high impact on maternal mortality, it was noted that:

- the rate of use of modern contraception increased from 17.33% in 2014 to 25.93% in 2016;
- the rate of birth attended to by skilled personnel was 30% in 2012 and 70.8% in 2015 (MDG 2015 evaluation).

346. In the area of Maternal Death Surveillance and Response (SDMR), a decree institutionalizing the SDMR was adopted and the declaration of maternal deaths is now part of the official weekly telegram of notifiable diseases. National and regional death monitoring committees have been established and are functional. Clinical audits and reviews are organized at different levels. A national forum on the monitoring of maternal deaths and response, aimed at achieving consensus on interventions at community level, was organized. An operational plan for the implementation of the MRSA is being developed.

Reduction of infant mortality

347. Niger has adopted and implemented a number of policies and programmes to reduce child mortality. These have indeed had significant positive effects on some indicators. For example, the infant-juvenile mortality rate has declined significantly, making Niger one of the six countries that have achieved MDG 4; this rate rose from 198 ‰ in 2006 to 127 ‰ in 2012 and 126 ‰ according to the 2015 MDG assessment.

348. Infant mortality dropped from 81 ‰ in 2006 to 51 ‰ in 2015, representing an average annual decrease of 3.3 percentage points. Neonatal mortality has remained at 24 ‰ since 2012.

349. The reduction in the infant and child mortality rates enabled Niger to be ranked among the first six countries that made significant reduction efforts in the final evaluation of the MDGs in 2015.

350. Moreover, it should be noted that these performances conceal disparities at several levels. Indeed, infant and child mortality rates have evolved disproportionately in regions, residential settings, and gender and mother's educational attainment.
351. In order to reduce the mortality of children, the actions carried out focused on:
- the extension of the country’s health coverage;
- defining the health of mothers and children as a priority of the 2011-2015 Health Development Plan;
- the implementation of the routine Expanded Programme on Immunization (EPI) and immunization campaigns (99% reduction in measles morbidity and 97% mortality related to measles);
- the promotion of health huts;
- the intensification of the fight against the various forms of malnutrition;
- campaigns for the distribution of vitamin A and treated mosquito nets;
- the effective implementation of free prenatal consultations, caesarean sections and the care of children under 5 years of age;
- the increase in health personnel.

D. RIGHT TO EDUCATION (Article 17)

*Legislative and administrative measures taken to implement policies aimed at eliminating or reducing primary schooling costs, including subsidies, free or subsidized uniforms (or the repression of compulsory uniforms), free textbooks, free or subsidized transportation, free school meals to encourage the schooling of poor children.*

352. Paragraph 2 of Article 2 of Law No. 98-12 of 1 June 1998 on the Guidance of the Niger Educational System (LOSEN) and the subsequent amending texts provides that "The State shall guarantee education to children of four (4) to eighteen (18) years old." It is in this connection that the State provides nearly all the costs related to basic education, such as tuition fees, the distribution of textbooks and other didactic materials, and the gradual creation of school canteens supervised by the school canteen cell near the MEP/A/PLN/EC. All these measures have dramatically increased access and retention rates for elementary school pupils.

*Legislative and administrative measures taken to ensure that secondary education is generally available and accessible to all by all appropriate means, and in particular by the progressive introduction of free education.*

353. Within the framework of the implementation of its Sectoral Programme of Education and Training (PSEF, 2014-2024) the State has placed the core cycle 2 at the heart of its priorities. Access to this cycle for a large number of children after the end of Cycle 1 is a major challenge for the Government because it is too selective and inadequate to the country’s development needs and its financing capacities. These reasons prompted the authorities to undertake a complete reform of this school cycle, which seeks to make it the natural extension of primary school in its purposes, methods and organization. This so-called "wider basic education" reform requires careful preparation, focusing on the content, purpose and organization of the basic school. This explains the elimination in 2014 of the examination of the First Degree Certificate (CFEPED) in order to improve the transition between the cycle 1 and the base 2.
Legislative and administrative measures taken to ensure that tertiary education is generally available and accessible to all by all appropriate means, and in particular by the progressive introduction of free education.

354. In Niger, tertiary education is developed through Technical Education and Vocational Training (ETFP). In order to make this type of education accessible, the State has programmed a number of actions, amongst others:

- the development and implementation of a more autonomous management system for EFPT centres and establishments with a view to having a better public/private partnership;
- the identification and implementation of a training system for trainers in the EFPT;
- strengthening of staff strength through the recruitment of additional teachers and trainers for technical and vocational training;
- the implementation of a policy for the promotion of girls in agricultural and industrial sectors.

355. At the level of higher education, in order to make this teaching accessible, the State has improved its offer by creating three (3) University Institutes of Technology (IUT) and seven (7) universities in the interior of the country namely one at the level of each region.

State measures taken to ensure continuing education

356. The above-mentioned Law No. 98-12 of 1 June 1998, which structures the Niger educational system, provides in Article 4 that: "Continuing education shall be one of the tasks of the educational system. It shall everyone the opportunity to raise their level of education, to adapt to economic and social changes ".

357. Thus, in the education policy letter (2013-2020), the basic cycles (1 and 2) are henceforth conceived in a path that merges them into a harmonized path under the name of broadened basic education. The national strategy for this form of education has the double ambition of enabling all children to enter the basic cycle 1, almost 90% of them complete it (six years of full schooling) in good quality conditions, and to promote an increased number of them towards the basic cycle 2 of four years of schooling. The gradual and profound renovation of this cycle, gradually replacing the old college, will make it a natural extension of the primary school, accessible to all Niger youths.

358. As for technical education and vocational training, their development is a priority of the education sector because they will have a constantly increasing flow of pupils coming from the basic 1 and base 2 cycles and a significant number of young people who are out of school or who are active or in traditional apprenticeship in the informal sector.

359. In 2010, the potential demand was 91,700 young people. The projected demand is 229000 in 2016 and more than 504000 young people in 2024. The PSEF plans to receive about one-sixth of this workforce in training. Consequently, the reform of the EFPT is underway in order
to facilitate the reception of this potential demand and the professional integration of graduates.

Show how national plans and policies adopted and implemented by the State meet the requirements of paragraphs 71 (3-15) of the Principles and Guidelines and, in particular, the steps taken to ensure that:

a) The teaching of African national languages be introduced at the level of primary education.

360. Article 10 of Law No. 98-12 provides: "The languages of instruction shall be French and the national languages". As part of the curriculum reform initiated by Niger, the Curriculum Framework Document (DCOC, pp15-16) states that "(...) national languages shall be the exclusive media of instruction, at the level of pre-school and the first two years of basic education. All the disciplines of the four learning domains shall be taught in these languages. In the 3rd year, they shall be co-media teaching with French. They shall become materials from the fourth year onwards. The teaching of the national languages shall include: language, reading, writing, grammar, spelling, speech, written expression, essay writing, explained reading.

b) Freedom of choice of parents and guardians for the option of a school other than that of the public, and that of a religious and moral education of their children

361. Article 3 of the LOSEN confirms Niger's recognition of private education. The State also recognizes, through Section 37 of the same Law, non-formal education provided in:
   - literacy and adult education centres;
   - denominational schools;
   - shared training centres;
   - the various occasional structures of training and supervision.

362. Better still, in Article 38, this law offers the graduates of these structures the possibility of acceding to a higher formal or non-formal training.

363. Improving the relevance of apprenticeships (formal and non-formal EFPT) in line with the labour market by (i) accurate analysis of training needs by sector, (ii) reform of entry and exit profiles (iii) the development and use of a system of validation of prior learning, including a directory of trades and skills, and certification references for the National Framework of Qualifications and Certifications (CNQC) is a strategy which is being implemented by the Ministry of Vocational and Technical Education within the framework of implementing the Sectoral Programme of Education and Training 2014-2024.

Ensure the academic freedom and institutional autonomy of all higher education institutions
In Niger, higher education is governed by Law No. 98-12 of 1 June on the orientation of the Niger’s educational system (LOSEN) in Articles 27, 28 and 29.

Measures taken to implement the obligations set out in paragraphs 71 (1) to (25) of the Principles and Guidelines with respect to vulnerable and disadvantaged groups, particularly the obligation to ensure that all children, including children to such groups, enjoy equal access to the educational system. State the measures taken to ensure gender equality at all levels of education.

Article 8 of the LOSEN stipulates: “The right to education shall be granted to all without distinction as to age, sex, social, racial, ethnic or religious origin”. In the name of this principle set out in the law, the State of Niger has set up specialized schools which have now evolved towards inclusive education in order to the ban stigma that is often faced by vulnerable people or persons with special needs. Better still, the so-called second chance classes or alternative education centres were also created to educate abandoned children through the educational system until the age of 14. Also, Alternative Rural Schools (ERA) have been established for nomadic areas or scattered habitats.

Regarding gender equality at all levels of education, the Ministry of Primary Education has set up a Directorate for the Promotion of Girls’ Enrolment. It has developed a national education policy for girls and its strategic implementation plan.

In order to promote behavioural change conducive to girls’ schooling, a community outreach campaign was conducted in 1560 villages in 2016. This campaign reached 65,520 people.

Consultation tables to encourage the adherence of religious and customary leaders to the promotion of the schooling of the girls are being realized at the regional and departmental levels.

In September 2016, the MEP/A/PLN/EC organized a National Day of Excellence to support the 25 girls of Niger's public primary schools who had the best performance during the school year 2015-2016 of the National Assembly.

In addition, the process of submitting the bill for the protection of the young girls currently schooling is being revived with the institution of a Parliamentary Information Day for the March 2017 session of the National Assembly.

In order to improve the learning conditions required for the specific needs of girls, the following measures have been initiated:

- introduction of a tutoring system for girls who are lagging behind in education;
- distribution of the dry ration to the mothers of girls enrolled in order to reduce the opportunity costs associated with their schooling;
- development of a national strategy for girls’ schooling aimed at reducing the gaps between girls and boys in terms of access, maintenance and academic achievement.
372. Scholarships are offered to girls every year by the State and by education partners to enable them to continue their higher education.

**E. RIGHT TO CULTURE** (Article 17)

*Show how national plans and policies adopted and implemented by the State ensure that the right to culture protects positive African values in line with international human rights standards*

373. This has to do with Law No. 2014-48 of 16 October 2014 to amend and supplement Ordinance No. 2010-95 of 23 December 2010 on copyright, neighbouring rights and expressions of traditional cultural heritage.

374. However, the decree implementing this law is still pending. It should be noted that the President of the Republic has, since his re-election in 2016, made culture a priority through his programme of cultural renaissance, one of the objectives of which is to change the behavioural pattern of Niger citizens.

*Measures taken to ensure the protection and promotion of the languages of minority groups and indigenous peoples/communities*

375. Article 5 of the Constitution states: "All communities that make up the Niger nation shall enjoy the freedom to use their languages in a manner consistent with that of others. These languages shall, in all equality, have the status of national languages. The State shall ensure the promotion and development of national languages ..."

Radio and television broadcasters, both public and private, broadcast programmes and information in all national languages on a daily basis.

*Legislative and other measures taken to eliminate harmful social and cultural practices*

376. These measures are contained in the Ordinance No. 2009-024 of 3 November 2009 relating to the law of orientation on culture.

*Measures taken to encourage and protect cultural works and traditional knowledge systems*

377. This has to do with Law No. 2014-48 of 16 October 2014 to amend and supplement Ordinance No. 2010-95 of 23 December 2010 on copyright, neighbouring rights and expressions of traditional cultural heritage.

**F. RIGHT TO HOUSING**

*Legislative measures taken to ensure that the State refrains from and is obliged to prevent forced evictions from dwellings and land as defined in the Principles and Guidelines and under international law. Give statistics on forced evictions and all other evictions undertaken during the preparation of the report*

378. Regarding legislation, there has been no change since the previous report.
379. Statistical data on evictions (of any kind) are not available.

*Legislative measures to ensure a level of security of tenure for all, which provides legal protection for persons, households and communities currently without such protection, including those who have no formal title to their dwelling or protecting them from forced evictions, harassment and other threats*

380. On this point, there has been no legislative change since the presentation of the previous report. However, it should be recalled that the security of occupation by inhabitants is guaranteed in Niger, on the one hand, through the rigorous framework of the expropriation procedure already defined within the framework of the right to property and, on the other hand, through the provisions of Ordinance No. 96-016 of 18 April 1996 on the Lease Code. Indeed, Article 11.2 of the Ordinance provides that: "Without prejudice to the penal provisions in force, if the lessor engages in respect of the lessee or in respect of those who occupy the leased premises, acts of threat or violence, or interference with privacy, the justice of peace seized for this purpose shall make the culprit liable for damages not less than three (3) months' rent. If the lessor has, without legal title, expelled or caused to be expelled a tenant of the leased property, the damages shall not be less than the equivalent of six (6) months' rent."

381. The termination of the lease agreement necessarily takes place either by agreement between the parties or after observing a period of notice fixed by the law. The administrative evictions of the occupants without title of public domain always take place after prior notice of the concerned.

*Measures taken to ensure at least one shelter for all. In this regard, provide information on the scope of the problem of homelessness*

382. To ensure decent housing for all, the State, in collaboration with partners, is implementing several projects to build social housing. These include the Sary Koubou city in Niamey, the renaissance city in Niamey, social housing in Niamey and other urban centres, as well as other social housing projects carried out under the public-private partnership.

383. Compared to the Sary-Koubou city in Niamey, the 174 housing units have been completed and the beneficiaries are settled there.

384. SONUCI, which is a public company, has built 100 social housing units in Niamey at the level of the Renaissance city, 100 in Dosso and there will soon be dozens more in Zinder.

385. As for private companies, they include:
- the SATU SA, which built 248 housing units in Niamey for the FDSs, which were sold to the military at a preferential price to provide them with the best conditions, and 50 others in Dosso.
- DB IMMO has built 251 housing units in Niamey and 32 in Maradi.

386. In addition, other social housing units are being constructed. These are:
- 500 housing units by DB IMMO in Niamey within the framework of the implementation of a public-private partnership agreement and 78 in Maradi;
- 100 housing units in Maradi by the “Société Univers Niger”;
- 150 housing units in Niamey by AL MUTAKHADIMA company.

387. With regard to the specific problem of homelessness, it should be noted that in Niger, natural disasters put people in "disaster-stricken homeless" situations. In terms of flood management, it should be noted that floods caused by heavy rainfalls and overflowing rivers have affected all regions of the country. The flood report shows 203 lives lost and 58,223 disaster-stricken homeless households, totalling 512,512 people affected in 2015.

388. The Government in collaboration with these partners always takes necessary measures to remedy these insecurities. Thus, 112 social housing units were constructed by the NGO Qatar Charity to relocate the victims of the floods of 2012 in the Communal District of Niamey 5.

389. As a preventive measure, a law prohibiting construction in flood zones has been adopted and is currently being disseminated at the regional level. Local decisions will be taken to avoid reconstructions and possible flood exposures.

Legislative measures taken to meet the obligations set out in paragraphs 79 (4) to (13) of the Principles and Guidelines, particularly those for:
(a) implementing housing programmes, including subsidies and tax incentives to develop housing construction to meet the needs of all segments of the population, particularly low-income families;

390. Real estate construction companies can apply for and obtain the tax benefits granted to companies approved by Law No. 2014-09 on the Investment Code in the Republic of Niger. In order to encourage real estate development, authorizations have been granted to national private developers for the construction of housing units and/or the production of viable plots in Niamey and its hinterland.

391. It is within this framework that Public-Private Partnerships (PPPs) were concluded in 2015-2016. Thus, a land of 88 ha of reserved land and 2,000 plots were acquired by the State for the construction of social housing units:
- 1,000 housing units in Niamey with DB IMMO for an amount of 10.5 billion CFA francs, the execution of which is ongoing;
- 1,000 housing units in Niamey and other regional capitals with SADUBEL for CFAF 12.08 billion.
Compared to the projects in negotiation with the partners, the process is very advanced for the realization of a programme of 8,500 housing units. These are:

- 1,000 social housing units in all the regional capitals with AFRITEC, in partnership with ECOBANK Niger, at a cost of about CFAF 10.2 billion;
- 5,000 housing units in all the regional capitals with the China Gezhouba Group Company Limited (CGGC) at a cost of CFAF 101.5 billion;
- 1,000 social housing units in all the regional capitals with the Republic of India (ongoing negotiations);
- 1,000 social housing units in all the regional capitals with LEAWAX MULTILINKS SERVICES (negotiations in progress);
- 500 housing units in Niamey and the supply of 1,500 plots serviced with the company STARMAX, in partnership with ECOBANK-Niger, at a cost of about 10 billion FCFA.

392. Despite all the measures taken by the Government in the area of social housing, the cost of housing has not yet truly declined.

(b) prioritize, in national plans and policies, the provision of shelter for all persons in desperate need of emergency housing

393. National plans and policies for access to housing are of a general nature and do not concern a specific category of persons.

394. Nevertheless, in the event of natural disasters (floods in particular), rehousing solutions are always offered for those affected as indicated above.

G. RIGHT TO SOCIAL SECURITY

Legislative and other measures taken to ensure access to a social security system which provides for minimum coverage for individuals and their families, particularly in the area of health and retirement benefits

395. Niger offers an appreciable level of social and health protection but not universal. The National Social Security Fund (CNSS) is responsible for managing the various branches of social security established for the benefit of salaried workers defined by the Labour Code. These three branches are:

- the family benefits branch, which seeks to lighten the burdens inherent in the birth, maintenance and upbringing of the child to the insured;
- occupational hazards, which is designed to prevent accidents at work and occupational diseases and, where necessary, to remedy the consequences of such risks (temporary incapacity, permanent incapacity, death);
- the old-age, invalidity and survivors' pensions branch, which is intended to guarantee an income to the pensionable worker and in the event of his death to his dependents.
396. In order to meet the cost of living and ensure an adequate standard of living for the pensioners, the following measures have been taken:
   - the institution of a minimum pension benefit amounting to 54,300 CFA francs;
   - the revaluation of pensions from 10 to 16% by Decree No. 2013-280/PRN/MFP/T of 24 July 2013 on the revalorisation of pensions paid by the CNSS;

397. In addition, the National Social Security Fund runs a health and social action fund whose purpose is to provide, through the medical and social centres, benefits in kind (prenatal consultations, health care) for the benefit of employees and their families and other segments of the society.

H. RIGHT TO FOOD

Legislative measures taken to guarantee the right of all to be protected from hunger and to reduce or alleviate hunger even during natural or other disasters

398. The legislative measures taken by Niger to guarantee the right to food have been the same since the presentation of the last report. It should be noted, however, that Niger has subscribed to food insecurity insurance, which represents an important step forward in terms of the effectiveness of the right to food for a country where food crises have become recurrent.

399. Underwriting this insurance is a measure that is likely to enable Niger to reduce or alleviate hunger even during natural disasters. Moreover, in 2016, Niger set up a Ministry of Humanitarian Action and Disaster Management which is responsible for the design, development, implementation, monitoring and assessment of the national humanitarian and disaster management policy.

Measures taken to ensure accessibility by all without discrimination to food and protection from hunger

400. The strategy of the 3N Initiative "Niger citizens Feed Niger citizens" adopted in 2012 is the main reference framework for interventions in agricultural development and food and nutrition security of public administrations, local authorities and non-State stakeholders. Its overall objective is to "contribute to the long-term sustainability of the Niger people and guarantee them the conditions for full participation in national production and the improvement of their incomes".

401. In its operational implementation, a 3N Initiative investment plan for the period 2012-2015 has been developed. However, in order to achieve the results set for 2015, additional impetus was given to the implementation of the priority investment programmes of the 3N Initiative. It is in this light that the 2014 -2015 acceleration plan concerning the 3N Initiative was
developed. Strategic axes 3 and 4 of this plan reflect the measures taken by Niger to ensure accessibility by all without discrimination to food and protection from hunger.

402. The implementation of strategic axis 3 on "Improving the resilience of vulnerable groups to climate change, crises and disasters" was achieved through the priority investment programme "Prevention and Management of Food Crises", which seeks to put in place preventive measures and a coordinated system for anticipating and managing natural disasters and disaster victims. This programme is mainly implemented by the National Device for the Prevention and Management of Disasters and Food Crises (DNPGCCA).

403. In the domain of food crisis prevention, action is focused on Early Warning System and the creation of communal and community structures for monitoring vulnerability and coordinating emergency responses (60 in 2014 and 7 in 2015) and the identification of beneficiary households of small-scale livestock breeding kits (poultry, goats or sheep, cattle).

404. Within the framework of managing food crises, emergency responses have been provided through the various annual support plans implemented by DNPGCCA, particularly the Food Crisis Unit (CCA).

The following table provides an overview of the achievements related to the management of food crises during the years 2014-2015.

**Table No.3: Assessment of achievements related to the management of food crises.**

<table>
<thead>
<tr>
<th>Indication</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of households vulnerable to food crises during the lean season (May to August)</td>
<td>1,072,398</td>
<td>682,477</td>
</tr>
<tr>
<td>Total number of households vulnerable to food crises after the crop year</td>
<td>369,372</td>
<td>479,812</td>
</tr>
<tr>
<td>Total number of households vulnerable to food crises taken care of</td>
<td>883,072</td>
<td>945,863</td>
</tr>
<tr>
<td>Total number of households affected by flooding</td>
<td>300,000</td>
<td>13,761</td>
</tr>
<tr>
<td>Total number of flood-affected households taken care of</td>
<td>300,000</td>
<td>13,761</td>
</tr>
<tr>
<td>Number of vulnerable households supported by cash transfer</td>
<td>42,370</td>
<td>55,585</td>
</tr>
<tr>
<td>Total amount of cash transfers distributed (x1000 fcfa)</td>
<td>4,260,110</td>
<td>4,553,500</td>
</tr>
<tr>
<td>Number of vulnerable households supported by cash for work</td>
<td>36,770</td>
<td>67,674</td>
</tr>
<tr>
<td>Total amount invested in cash for work (x1000 fcfa)</td>
<td>14,292,529</td>
<td>4,447,621</td>
</tr>
<tr>
<td>Total amount invested in food for work (x1000 fcfa)</td>
<td>7,218,285</td>
<td>2,542,176</td>
</tr>
<tr>
<td>Amount of livestock sold at moderate prices (tonnes)</td>
<td>21,305</td>
<td>2,122</td>
</tr>
<tr>
<td>Number of households receiving free distributions of cereals</td>
<td>214,413</td>
<td>196,750</td>
</tr>
<tr>
<td>Amount of cereals distributed free of charge (tonnes)</td>
<td>72,294</td>
<td>18,675</td>
</tr>
<tr>
<td>Number of households benefiting from the sale of cereals at a moderate price</td>
<td>115,833</td>
<td>635,854</td>
</tr>
<tr>
<td>Quantity of cereals sold at moderate prices (tonnes)</td>
<td>82,320</td>
<td>63,585,35</td>
</tr>
</tbody>
</table>

**Source:** DNPGCCA
405. Moreover, sales of cereals at moderate prices amounted to 388,291 tonnes at a cost of CFAF 116,487,300,000 for the period 2011-2015. Targeted free distributions stood at 283,403 tonnes of cereals at an overall cost of CFAF 90,764,623,836 and went to the population with acute food insecurity, flood victims, refugees and persons displaced due to crises and armed conflicts in the sub-region (Mali, Nigeria, Central African Republic). In addition, 88,272 tonnes of food were distributed as Food For Work at a cost of CFAF 59,933,130,000. These activities have led to the support of between 350,000 and 850,000 households each year.

406. Small goat and sheep kits were granted to 53,719 households with an average of 4 animals per household, while 3,023 households benefited from the supply of a head of cattle during the period. The Habitat Bovine Livestock Programme (covering all regions and started in 2015) consists of providing dairy cows free of charge for commercial use.

407. Implementation of strategic axis 4 on "Improving the nutritional status of Niger citizens" was carried out through the priority investment programme dubbed "Malnutrition Prevention and Management". This programme is intended not only to reduce the impact of various forms of malnutrition, but also to increase the active screening rate and the adequate management of malnourished children.

The table below shows the achievements related to the prevention and management of malnutrition from 2014 to 2015.

**Table No. 4: Assessment of achievements related to the prevention and management of malnutrition**

<table>
<thead>
<tr>
<th>Indication</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of pregnant or nursing women who received fortified flour</td>
<td>29,949</td>
<td>29,754</td>
</tr>
<tr>
<td>Number of children aged 6 to 59 months who received routine vitamin A supplementation</td>
<td>831,237</td>
<td>511,368</td>
</tr>
<tr>
<td>Number of cases of acute global malnutrition supported</td>
<td>796,927</td>
<td>775,040</td>
</tr>
<tr>
<td>Number of cases of severe acute malnutrition</td>
<td>364,837</td>
<td>354,187</td>
</tr>
<tr>
<td>Number of cases of moderate acute malnutrition cared for</td>
<td>432,090</td>
<td>420,853</td>
</tr>
<tr>
<td>Number of cases admitted in CRENAMs who recovered</td>
<td>431,659</td>
<td>449,079</td>
</tr>
<tr>
<td>Number of cases cared for in CRENIs</td>
<td>58,740</td>
<td>60,629</td>
</tr>
<tr>
<td>Number of cases admitted in CRENIs and treated successfully</td>
<td>54,212</td>
<td>54,732</td>
</tr>
<tr>
<td>Number of cases cared for in CRENAS</td>
<td>317,612</td>
<td>306,094</td>
</tr>
<tr>
<td>Number of cases admitted in CRENAS who recovered</td>
<td>272,502</td>
<td>252,138</td>
</tr>
<tr>
<td>Number of pregnant or breastfeeding women cared for</td>
<td>342,663</td>
<td>542,884</td>
</tr>
</tbody>
</table>

Source: SNIS/MSP

408. It should be noted that all hospitals, Integrated Health Centres and some health huts have malnutrition screening and management units. From 2012 to 2015, 196 Nutritional Recovery Centres (CRENs) were created; bringing the number of CRENs to 2091. This has resulted in increased coverage and undoubtedly the quality of care for cases of malnutrition.

409. It should be noted that despite all these achievements, efforts are still to be made as the causes of undernutrition are multifactorial and multisectoral, necessitating a synergy of
interventions to improve the management of cases of malnutrition which have deteriorated since 2012. According to the NSI, acute malnutrition prevalence among children aged between 6 and 59 months increased from 12.3% in 2011 to 13.3% in 2013 and 15% in 2015.

Measures taken to ensure that surplus food production is stockpiled for famines, drought and other unfortunate occurrences

410. The national security stock is regularly established in anticipation of food crises. It consists of a physical stock called the National Security Stock consisting of cereals (millet, sorghum or maize) and a financial stock called the Food Security Fund.

411. The national food security stock was replenished to 30,000 tonnes in 2015. It was 46,564 tonnes in 2014.

412. Since in one out of every three years in Niger there is a deficit, this stock is not always based on surplus national production.

Measures taken to ensure that food aid is not detrimental to local producers and markets, is directed to those most in need and is accompanied by programmes that ensure food self-sufficiency for beneficiaries

413. The National Contingency Plan has opted for the diversification of instruments to respond to food crises. These include cash for work, food for work, cash transfer, the sale of moderate-priced food, targeted free distribution of food, strategic destocking of animals, sanitary protection of livestock, the establishment of feed for livestock. In 2013, the Government gave priority to work for cash, food for work and moderate-priced or studied sale at the expense of free food distribution, which undermined self-promotion efforts of the populations. This option stems from the recognition that traditional food aid contributes not only to maintaining the spirit of welfare among the population but also to undermining the stability of local production systems and agricultural markets. According to the National Contingency Plan, emergency responses must avoid perverse effects such as the logic of assistance, the weakening of existing adjustment and solidarity mechanisms, and the destabilization of markets. These responses should not also be in contradiction with the orientations of the overall economic policy or of the development actions carried out simultaneously.

414. In fact, the Government, with the support of the international community, is attempting to provide responses that should lead to better management of food crises without undermining households’ responsiveness and the population’s sustainable security.

Legislative measures taken to ensure that the State does not destroy or contaminate food sources and is obliged to protect them from destruction and/or contamination

food hygiene) and Decree No. 98-108/PRN/MSP of 12 May 1998) establishing the sanitary control of imported and exported foodstuffs. Article 2 of the Decree states that "its purpose shall be to ensure good food hygiene, prevent contamination of foodstuffs and the presence of factors detrimental to human health. Foodstuffs must be safe, comply with certain nutritional requirements and possess certain organoleptic characteristics ".

416. Article 59 of the Public Hygiene Code stipulates that "foodstuffs meant for import, export and transit through the national territory must be subject to health control".

417. Furthermore, one notes the existence of phytosanitary legislation, namely Ordinance No. 96-008 of 21 March 1996 and its implementing decree (Decree No. 96-68/PCSN/MDR/H/E of 21 March 1996). This regulation seeks to prevent the introduction and circulation of poor quality products on the national territory.

418. Lastly, it should be noted that Regulation No. 007/2007/CM/UEMOA on plant, animal and food safety in the UEMOA area is applicable in Niger.

Legislative measures taken to ensure that access to food is used as a political tool to reward its supporters, punish its opponents or recruit militias

419. In Niger, access to food is not used as a political tool to reward its followers or punish its opponents. In addition, the country has not experienced any recent recruitment of militia.

420. Moreover, the Constitution of 25 November 2010 recognizes the right to food in Niger as an inalienable human right. Article 12 provides that "everyone has the right to life, health, physical and moral integrity, to a healthy and sufficient diet, to drinking water, to education and to education under the conditions defined by law ". This provision makes Niger one of the few African countries that have fulfilled one of the most important obligations to which all the signatories of the International Covenant on Economic, Social and Cultural Rights (ICESCR) are obligated, namely the obligation to implement the right to food.

421. Article 8 proclaims the equality of all citizens before the law and therefore prohibits any discrimination of any nature whatsoever between them. In practice, no facts that could be interpreted as discrimination based on political affiliation were identified.

Measures taken to develop and reform existing agrarian systems

422. The measures taken by Niger to develop and reform existing agrarian systems are part of the implementation of the 3N Initiative through strategic axis 1 of the 2012-2015 investment plan to increase agro-sylvo-pastoral and fisheries production. These measures, designed to significantly and sustainably increase the output of agricultural production systems, concern the following two programmes:
   - improving agricultural productivity and incomes through water control;
   - modernization of rainfed production systems.
(a) Improving agricultural productivity and incomes through water control

423. According to the 2011-2015 consolidated balance sheet of the implementation of the 3N Initiative, improvements in agricultural productivity and incomes through water control have been achieved through several actions, which are summarized as follows:
- the rehabilitation and consolidation of 3.864 ha of the Hydro Agricultural Development (AHA);
- securing 7,260 ha of AHAs;
- development of 4,123 ha of new land;
- the creation of 20,073 ha of perimeters developed for small-scale irrigation;
- the increase in areas under irrigation (from 105,350 ha in 2013 to 113,060 ha in 2015);
- the construction of 218 water mobilization works (including 30 dams, 78 sills and 110 ponds);
- seed placement for irrigated crops (45,011.29 kg of vegetable seed, 6,615 tonnes of potato seed and 88.20 million cassava cuttings and sweet potato);
- increased production of irrigated crops (with an annual average of 369,408 tonnes).

424. Besides, the identification of potential sites for new or rehabilitated works continued throughout the country to strengthen the irrigation programme. The number of potential sites is estimated at 751, including 94 dams, 386 thresholds, and 271 ponds.

425. Other structures and equipment have been put in place. These include 30,939 water pumps, 88 submersible pumps, 18,738 market gardening holes, 4,304 market gardening wells, 693,010 linear metres (ml) of the Californian network, 534,661 ml of barbed wire and 268,128 ml of wire netting.

(b) Modernization of rainfed production systems.

426. Within the framework of modernizing rainfed production systems, several actions have been taken to facilitate access to inputs, information and technological innovations. This has resulted in the introduction of seeds of all types at regional level. These include 39,698.29 tonnes of cereal seed (millet and sorghum), 7,536.18 tonnes of leguminous seed (cowpea and groundnut), 3,370.16 tonnes of irrigated grain seed (maize and wheat), 42,961.3 kg of vegetable seed, 6,115 tonnes of potato seed and 88.20 million of cassava and sweet potato cuttings.

427. In addition to seeds, other agricultural inputs were made available to producers. They include 134,284.4 tonnes of fertilizers, 354,315 litres of pesticides and 1,261,474 bags of fungicides, plus 1,735 treatment units (ULV) and 3,762 pressure treatment equipment.

The following table shows the distribution of these inputs by region.
Table No. 5: Distribution of other agricultural inputs and phytosanitary treatment devices by region

<table>
<thead>
<tr>
<th>Region</th>
<th>Fertilizer (Tonnes)</th>
<th>Pesticides (litres)</th>
<th>Fungicides (sachets)</th>
<th>Treatment Devices (ULV)</th>
<th>Pressure Treatment Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agadez</td>
<td>6987.9</td>
<td>8350</td>
<td>37100</td>
<td>12</td>
<td>280</td>
</tr>
<tr>
<td>Diffa</td>
<td>7467.05</td>
<td>37800</td>
<td>60100</td>
<td>21</td>
<td>489</td>
</tr>
<tr>
<td>Dosso</td>
<td>19255</td>
<td>39560</td>
<td>212576</td>
<td>18</td>
<td>454</td>
</tr>
<tr>
<td>Maradi</td>
<td>19976.95</td>
<td>69340</td>
<td>219778</td>
<td>46</td>
<td>573</td>
</tr>
<tr>
<td>Tahoua</td>
<td>18902.05</td>
<td>63400</td>
<td>185000</td>
<td>24</td>
<td>550</td>
</tr>
<tr>
<td>Tillabéry</td>
<td>13024</td>
<td>48940</td>
<td>71460</td>
<td>16</td>
<td>625</td>
</tr>
<tr>
<td>Zinder</td>
<td>15507.8</td>
<td>82300</td>
<td>231100</td>
<td>29</td>
<td>480</td>
</tr>
<tr>
<td>Niamey</td>
<td>33163.65</td>
<td>4625</td>
<td>244360</td>
<td>4</td>
<td>311</td>
</tr>
<tr>
<td>Total</td>
<td>134284.4</td>
<td>354315</td>
<td>1261474</td>
<td>173</td>
<td>3762</td>
</tr>
</tbody>
</table>

428. Communal, village and household kits were also provided.

429. As for communal kits, Government realized 98 storage warehouses, 218 Communal Agricultural inputs and supplies, 8 operational onion counters and 429.33 km of service roads.

430. On 29 September 2015, the official launching of the Onion Processing and Marketing Corporation of Niger (SOTRACO-Niger SA) took place. This unit has a storage capacity of 22,000 tonnes of onion Galmi violet bulbs and powder processing of 7,000 tonnes and functions for 261 days per year.

431. Concerning village kits, 151 input shops with 1,139.36 tonnes of fertilizers and 1,213 cereal banks with 18,781.15 tonnes of cereals were realized.

432. As for household kits, there were 5,053 market gardening plots of 250 m² on average per woman. Other equipment consisting of 12,569 animal traction kits, 65,568 kits for agricultural equipment, 4,552 carts, 2,273 tractors, 211 tillers, 216 small processing units and 167 threshing machines were installed.

433. All of these actions resulted in a cereal production of 18,067,853 tonnes in 4 years, an annual average of 4,516,963 tonnes and 1,503,513 tonnes of irrigated production, an annual average of 375,878 tonnes for an objective annual rate of 400,000 tonnes, representing a 94% realization rate.
Despite all these efforts, it should be recognized that the exercise of the right to food still poses enormous challenges for the Niger State, particularly those relating to the effects of climate change and desertification.

I. RIGHT TO WATER AND SANITATION

Show legislative and other measures taken to ensure access to a sufficient minimum and sufficient quantity of water for personal and domestic use, including disease prevention and access to a decent sanitation system:

From a legislative point of view, it is Ordinance No. 93-13 of 02 March 1993 regulating issues related to basic sanitation (waste water and excreta) as well as hygiene related to dwellings, water, etc., Law No. 98-56 of 29 December 1998 laying down the framework law on environmental management, and Ordinance No. 2010-09 of 1 April 2010 on the Water Code which are applicable in this domain.

The national drinking water supply and sanitation programme (2011-2015) is equally being adopted with the objective of increasing rural access to 88% and urban access to 82.5%. In 2014, a national strategy for pastoral hydraulics was adopted.

Show the legislative and other measures taken to ensure safe physical access to facilities or services ensuring an adequate, safe and regular supply of water with an adequate number of water points to avoid waiting for long and located at a reasonable distance from houses, educational establishments, workplaces or health facilities:

State legislative and other measures taken to ensure compliance with the obligations set out in subsections 92 (4) to (15), particularly the obligations to ensure that:

a) private ownership of water and sanitation systems and/or privatization of water and sanitation services does not occur in the absence of a clear and effective regulatory framework that ensures sustainable access to water and safe, sufficient, physically accessible and affordable sanitation systems:

In order to ensure access to drinking water for all, the Government has, since 2011, committed itself to realizing new Modern Water Points (PEM) and to rehabilitating existing ones. To achieve these objectives, several works were carried out in the framework of rural and urban water supply programme.

| Connections | 6609 | 4345 | 6642 | 8894 | 42570 | 10248 | 2636 | 10685 | 92629 |

**Table No.6:** Realization of new and/or rehabilitation of EPEMs by region from April 2011 to 31 October 2015

<table>
<thead>
<tr>
<th>Label</th>
<th>Prev</th>
<th>AZ</th>
<th>DA</th>
<th>DO</th>
<th>MI</th>
<th>NY</th>
<th>TA</th>
<th>TY</th>
<th>ZR</th>
<th>Real</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newly constructed EPEMs</td>
<td>14.000</td>
<td>475</td>
<td>387</td>
<td>1753</td>
<td>2024</td>
<td>68</td>
<td>1337</td>
<td>2204</td>
<td>1365</td>
<td>9.613</td>
<td></td>
</tr>
<tr>
<td>New EPEMs under construction</td>
<td>65</td>
<td>0</td>
<td>348</td>
<td>0</td>
<td>0</td>
<td>278</td>
<td>544</td>
<td>368</td>
<td>1603</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

87
<table>
<thead>
<tr>
<th>Old EPEMs rehabilitated</th>
<th>8,500</th>
<th>234</th>
<th>238</th>
<th>450</th>
<th>365</th>
<th>72</th>
<th>401</th>
<th>765</th>
<th>414</th>
<th>2939</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old EPEM being rehabilitated</td>
<td>10</td>
<td>0</td>
<td>75</td>
<td>0</td>
<td>0</td>
<td>37</td>
<td>51</td>
<td>9</td>
<td>182</td>
<td></td>
</tr>
<tr>
<td>Source MHA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>36.71%</td>
</tr>
</tbody>
</table>

b) procedures to ensure that the disconnection of water and sanitation systems are reasonable and are initiated only after provision of related information, including legal remedies and legal assistance:

- **438.** Disconnection procedures for water and sanitation systems occur in the event of non-payment of bills related to the drinking water supply service. However, users are given a deadline before any cut of the service. In any case, users who consider themselves to be victims of an abusive breach of the supply have all the legal remedies to enforce their rights.

c) natural water resources are protected from contamination by harmful substances and pathogens. This includes strict controls on the use and pollution of water resources for industrial purposes, particularly by extractive industries in rural areas:

- **439.** In addition to what was already said in the previous report, particularly the relevant provisions of the Water Code, we can add the provisions of Law No. 98-56 of 29 December 1998 on environment framework law. Article 44 provides that "it shall be prohibited to store garbage, household refuse, stones, gravel, wood, industrial waste in the bed or on the edges of public watercourses, lakes, ponds or lagoons and canals. Similarly, it shall be forbidden to allow waste water to flow into them."

- **440.** Discharge into watercourses, lakes and ponds of waste water from sanitary or scientific plants and establishments shall be subject to the prior authorization of the ministers responsible for hydraulics, the environment, mines and health. These waste water must in all cases be treated as it leaves the establishments concerned so as to be free from any substance that is toxic or harmful to public health, fauna or flora. Any deposit or application of solid or liquid substances constituting a cause of insalubrity shall be prohibited ".

- **441.** Article 45 states that "dumping, deposit and burial of waste, corpses, objects or liquids and more generally any act likely to alter directly or indirectly the quality of groundwater shall be prohibited".

- **442.** Article 46 explains the monitoring procedure as follows: "For each particular case, an order of the Minister in charge of public health, countersigned by the Minister responsible for industry, shall lay down the conditions under which physical, chemical, biological and bacteriological checks of discharge waters shall be carried out, particularly the conditions under which samples shall be taken and analyzed."

- **443.** Precautionary measures may be taken pursuant to Article 47, which states that "The administration may take any measure that shall be immediately enforceable in order to put an end to the safety or public health hazard, caused by dumping or submersions of harmful substances"
444. Article 49 stipulates that "Water concessionaires and distribution authorities shall ensure the verification by an approved laboratory of the quality of water distributed, following a periodicity and manner stated in the Specifications". In any case, Article 50 warns that "Notwithstanding verifications by laboratories or other approved bodies, the distributor shall remain liable for damage caused by the quality of the water he distributes".

445. Lastly, Article 51 explains that "Subject to the rights of third parties, protection perimeters may be established in order to preserve the quality of water around any surface or underground water ensuring human nutrition, preservation and use of water. Protective perimeters shall be established around catchments intended for human consumption by the competent services. Protective perimeters shall be prohibited from activities other than those authorized in the declaration of public utility ".

J. RIGHT TO FAMILY PROTECTION (Article 24)

446. Article 21 of the Niger Constitution of 25 November 2010 stipulates that "marriage and the family shall constitute the natural and moral bases of the human community. They shall be under the protection of the State. It shall be incumbent on the State and public authorities to ensure the physical, mental and moral health of the family, especially the mother and the child”.

- Measures taken to guarantee freedom of consent to marriage

447. The measures taken to guarantee the freedom of consent to marriage have not changed since the last report was submitted. Indeed, marriage is governed by two different sets of rules, regarding the choice of spouses, namely law or custom. The law, embodied in the Niger Civil Code, makes consent one of the basic conditions of marriage validity. In this regard, Article 147 of the Code provides that "there shall be no marriage when there is no consent". The absence of consent therefore constitutes a ground for annulment of the marriage by the competent courts, seized for this purpose by any interested person. According to custom, the consent of the parties is expressed through their legal representatives, which does not make it possible to certify its existence.

448. So, if the written law is unequivocal on the need for consent, on the other hand, under customary law, consent is not always obvious. However, even if the principle of the application of custom is admitted, when this is contrary to the law, it cannot prosper. Accordingly, it is left to any interested party to bring proceedings before the competent courts with a view to enforcing its consent.

- Legislative measures taken to abolish customs which may affect the freedom of choice of spouses
As a result of the legislative measures taken to abolish customs which may affect the freedom of choice of spouses, the legislation has not evolved. It remains governed by the provisions of Article 63 of Law No. 2004-50 which provides that "subject to compliance with duly ratified International Conventions, fundamental laws or rules relating to public order or freedom of persons, the courts shall apply the custom of the parties: 1) in cases concerning their capacity to contract and to take legal action, the state of persons, family, marriage, divorce, filiation, estates, donations and wills.
2) in respect of ownership or possession of immovable property and the rights arising therefrom; unless the dispute relates to land registered or whose acquisition or transfer has been established by a mode of proof established by law ".

Article 68 of the same law stipulates that if "one of the litigants is governed by the law and the other by custom, the dispute shall be settled as provided in Article 66". According to the latter article, "in the event of a conflict of custom, it shall be decided:
1) According to the custom of the woman if she is a Niger citizen; when it is the contrary, according to the custom of the man when it concerns marriage and divorce or the award of child custody and according to the wife’s wish in the event of a breakdown by divorce, divorce or death of one of the spouses;
2) According to the donor's custom, in matters relating to donations;
3) According to the custom of the deceased in matters relating to succession and wills;
4) According to the custom of the defender in other matters ".

In any case, the principle is that no custom that is contrary to the laws and/or international conventions duly ratified by Niger can prosper. Victims still have appropriate judicial remedies to make their case heard.

- Measures taken to ensure that parties to marriage are at least 18 years old

At this level, it should be recalled that although there has been no change in the legislation on the issue, some brainstorming is underway to raise the age of marriage among girls. This is the case with the bill protecting the girl in the course of schooling which was again tabled in parliament for adoption.

There is also a draft Code of the Child.

Within the purview of combating the practice of early and forced marriages, particularly by fixing the minimum age for marriage at 18 years, efforts are being made: the implementation of the Illimin zaman douniya programme with UNFPA’s support is aimed at reducing the rates of forced marriages among children and early pregnancies among the most vulnerable populations of women. It affects the age groups 10 to 19 years.

At the end of the evaluation of the second phase in 2016, more than 14,000 adolescent girls were affected. As a result, the programme enabled more than 200 girls to return to school. 56
girls succeeded in postponing their marriages. More than 40,000 people participated in 858 community dialogues on the issue of early marriages and their consequences.

456. Accordingly, a plan of action to combat child marriage is being prepared.

- Equal rights of spouses during marriage and dissolution

457. The legislation has not changed since the presentation of the previous report and remains governed by the provisions of the Civil Code and customary law.

458. Although marriage imposes rights and duties on the spouses, they are not levied in the same way according to whether the marriage is civil or customary. Similarly, although the civil code recognizes the husband as the head of the family, it places an obligation on the wife to contribute to the household expenses as laid down in Article 203 of the Code. According to the provisions of this article, “by the mere fact of marriage, the contracting spouses shall have the collective obligation to feed, maintain and raise their children " . Similarly, Article 212 of the same Code provides that "the spouses shall owe each other faithfulness, help, assistance".

459. Article 213 stipulates that "the husband is the head of the family. He shall perform this role in the general interest of the household and the children.

The wife shall agree with her husband to ensure the moral and material management of the family, to provide for its maintenance, to raise the children and to prepare their settlement.

The wife shall replace her husband as head if he is unable to demonstrate his will because of his incapacity, absence, distance or other cause."

Article 214 provides that "If the marriage contract does not settle the contribution of the spouses to the expenses of the marriage, they shall contribute to them in proportion to their respective abilities.

This burden shall be borne primarily by the husband. He shall be obliged to provide the woman with all the necessities of life according to his capabilities and state.

The wife shall contribute to the expenses of the marriage with her dowry or estate and with the reductions she makes from the personal resources reserved for her management.

If one of the spouses does not fulfil his or her obligations, he or she may be compelled to do so by the other spouse as provided for in Article 864 of the Civil Procedure Code".

460. With regard to customary marriage, the obligation to provide for the family's expenses rests exclusively with the husband. As for the dissolution of marriage, the Civil Code recognizes only two causes, namely the death of one spouse or a lawfully pronounced divorce (Article 227 of the Civil Code).
461. As for the possibility of dissolving customary marriage, there is also a divorce which can be handed down by the judicial authorities at the request of one of the spouses, but above all the repudiation which is a unilateral power recognized by the husband alone to terminate the marriage. However, in view of the harmful consequences of this procedure, judges are increasingly seized, in general by the repudiated woman, especially to decide on the custody of the children and on the alimony to be paid to them.

- Special measures taken to ensure equality and non-discrimination as well as the rights of members of vulnerable and disadvantaged groups

462. The principles of equality and non-discrimination are provided for in the Constitution and Articles 10 and 22 respectively. As for the rights of members of vulnerable groups, they will be developed in the part relating to specific rights.
PART 3: SPECIFIC RIGHTS

A. WOMEN’S RIGHTS (Article 18)

At the institutional level

463. The Ministry for Women’s Empowerment and Child Protection remains the government structure in charge of gender promotion.

It should be recalled that in 2008 Niger adopted a National Gender Policy (PNG) and its 2009-2018 ten-year action plan to address gender issues. This policy was evaluated in 2016 and its revision process is underway.

Within the framework of implementing the PNG, a National Observatory for Gender Promotion (ONPG) was set up by Decree No. 2015-524/PRN/PF/PE of 2 October 2015. This observatory is responsible for promoting gender. It ensures that development policies, programmes and projects contribute to narrowing gaps and inequalities between men and women.

Niger is pursuing the process of mainstreaming gender in municipal development plans. Currently, five new communal plans are being integrated, in addition to the 52 existing.

At the socio-economic level

Efforts have been made to improve the living conditions of the population, particularly women. Examples include the implementation of the following projects:

- Empowerment of Women and Local Development (AFDEL) with the support of the Italian Cooperation with an amount of CFAF 2,116,117,000 in the Tahoua region, started in 2015;
- Sahelian Programme for Women's Economic Empowerment and Demographic Dividend (SWEDD) in five (5) of the country's 8 regions in 2016.
- the provision of equipment for Domestic Stain Relief (ATD) and tillage equipment (threshing machines, mills, hullers, motor pumps, carts, dryers, improved fireplaces, mini water supply, boreholes, agricultural inputs etc.) (annual activities);
- the 3N Initiative programme: Niger citizens feed Niger citizens. It is basically meant to involve Niger citizens in the sylvo-agricultural production area where women play a primordial role.

At the legal level

At this level, the State has made considerable efforts, notably by adopting:
- Law No. 2014-64 of 5 November 2014 to amend and supplement Law No. 2000-008 of 7 June 2000 to establish a quota system for elective and nominative functions, which raised the quota for elective posts from 10% to 15%;
- the Law of 5 November 2014 to amend Ordinance No. 84-33 of 23 August 1984 establishing the Niger Citizenship Code, which now recognizes transmission by a woman of Niger nationality to her foreign husband.

Niger has begun the ratification process of ILO Convention No. 183 on Maternity Protection.

**At the political level**
Here, progress has been made, notably with adoption of the Law of 5 November 2014 to amend and supplement Law No. 2000-008 of 7 June 2000 above, increasing the elective rate from 10% to 15%.

Following the 2016 elections, the representation of women in decision-making bodies can be summarized in the following table:

**Table 7: women representation in decision-making positions**

<table>
<thead>
<tr>
<th>Function</th>
<th>Women</th>
<th>Men</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
</tr>
<tr>
<td><strong>MPs</strong></td>
<td>27</td>
<td>15.78%</td>
<td>144</td>
</tr>
<tr>
<td><strong>Ministers</strong></td>
<td>8</td>
<td>19%</td>
<td>34</td>
</tr>
<tr>
<td><strong>SG of Ministry</strong></td>
<td>3</td>
<td>7.16%</td>
<td>39</td>
</tr>
<tr>
<td><strong>Deputy SG of Ministry</strong></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Governors</strong></td>
<td>0</td>
<td>0%</td>
<td>8</td>
</tr>
<tr>
<td><strong>SG Governor’s Office</strong></td>
<td>0</td>
<td>0%</td>
<td>8</td>
</tr>
<tr>
<td><strong>Deputy SG Governor’s Office</strong></td>
<td>3</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td><strong>Prefects</strong></td>
<td>0</td>
<td>0%</td>
<td>63</td>
</tr>
<tr>
<td><strong>Mayors</strong></td>
<td>8</td>
<td>2.96%</td>
<td>262</td>
</tr>
<tr>
<td><strong>Regional Councillors</strong></td>
<td>36</td>
<td>13.84%</td>
<td>224</td>
</tr>
<tr>
<td><strong>Municipal and District Councillors</strong></td>
<td>584</td>
<td>15.88%</td>
<td>3092</td>
</tr>
<tr>
<td><strong>Regional Councillors</strong></td>
<td>34</td>
<td>12.78%</td>
<td>232</td>
</tr>
<tr>
<td><strong>Town Councillors</strong></td>
<td>17</td>
<td>16.34%</td>
<td>87</td>
</tr>
<tr>
<td><strong>Political Parties</strong></td>
<td>3</td>
<td>3.44%</td>
<td>84</td>
</tr>
<tr>
<td><strong>Central Trade Union</strong></td>
<td>1</td>
<td>7.69%</td>
<td>12</td>
</tr>
</tbody>
</table>
B. RIGHTS OF THE CHILD (Article 18)

464. In 2014, Niger launched a study on the situation and programmes for adolescents. This study led to the development of a multisectoral action plan for adolescent capacity-building.

465. Awareness-raising campaigns on violence against children, especially girls, on child/forced marriages have been organized. In this connection, a multisectoral committee (date: See Djida) was set up to look into the matter with a view to drawing up a national plan of action.

466. In order to improve the care of children in difficulty, in 2011 and 2016, 36,998 children were reported to SEJUP (including 235 cases of vulnerable children), 2,206 children with family difficulties and 41,882 other vulnerable children were identified in the Niamey reception centres and the regions. In the same vein, the Government and its partners placed 4,956 vulnerable children out of school or out of school for apprenticeship and self-employment after this period, supported 93 host families and awarded scholarships to 15 deserving girls in vulnerable situations (See balance sheet year 5 - 1st quinquennium of the Niger Government).

467. In 2016, the Decentralized Services reports of the Ministry in charge of child protection revealed the situation of interventions in caring for children who are highly exposed and/or victims of violence, abuse and exploitation.

The statistics in the table below give details per vulnerability category

**Table No. 8: Distribution of children cared for by vulnerability category (2016)**

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned children, separated from their parents, not supported by adults</td>
<td>121</td>
</tr>
<tr>
<td>Negligence</td>
<td>139</td>
</tr>
<tr>
<td>Ill-treatment</td>
<td>119</td>
</tr>
<tr>
<td>Sexual Abuse (sexual assault/rape)</td>
<td>98</td>
</tr>
<tr>
<td>Exploitation and worst forms of child labour</td>
<td>50</td>
</tr>
<tr>
<td>Commercial Sexual Exploitation</td>
<td>5</td>
</tr>
<tr>
<td>Slavery</td>
<td>22</td>
</tr>
<tr>
<td>Threat of marriage or forced or early marriage</td>
<td>98</td>
</tr>
<tr>
<td>Risky behaviours of children, who endanger their lives with drugs, alcohol, runaways</td>
<td>301</td>
</tr>
</tbody>
</table>

468. As a result of the armed conflicts, approximately 162,259 children in the Diffa and Tillabéry regions received assistance from the State and its partners during the period 2015-2016. The situation in these two regions is as follows:

**Diffa Region**

- 48,767 refugee children;
- 101,422 internally displaced children;
- 10,985 children among the host populations in Diffa;

95
- 1001 separated and non-supported children, including 479 identified in the Diffa region; 
- Tillabéry Region
- 18,215 children aged 0 to 17, including 9,592 boys and 8,623 girls.

469. Centres have been set up to accommodate 84 children, including one girl, allegedly associated with armed groups detained in the Diffa, Niamey and Kollo prison centres. This action is intended to ensure compliance with the Paris principles, which consider children associated with armed groups as victims and not as perpetrators.

470. A national forum on the phenomenon of begging in Niger was held in Niamey on 9, 10, 11 December 2015. Among the recommendations that were made, the following directly concern children:
- access to and maintenance of young girls at school;
- the extension of the canteen system to Koranic schools;
- the settling down of the Koranic teachers by setting up adequate infrastructures and care mechanisms;
- the inclusion of a budget line for deprived families;
- the acceleration of the adoption of the national strategy for the education of children with disabilities and the strategy for the social reintegration of disabled people.

471. With regard to child labour, it should be noted that a national plan of action to combat child labour is being developed. Awareness-raising campaigns are being carried out to combat child labour, particularly during the celebration of the day against child labour. The draft child code has been submitted to the Council of State for opinion.

C. RIGHT OF PERSONS WITH DISABILITIES (Article 18)

*Increasing the number of schools for children with disabilities, especially schools for visually impaired children*

In Niger inclusive and integrated approaches are schooling strategies for children with disabilities. For the visually impaired, there is one (1) school for the blind and one hundred and fifty (150) inclusive classes, meaning classes that receive both visually impaired children and those without a disability. In addition, there is a school for the deaf.

*Organizing public awareness campaigns to combat the stigmatization of people with disabilities*

472. On the occasion of the celebration of the National and International Day of Persons with Disabilities, public awareness-raising campaigns are carried out to raise awareness on the rights of persons with disabilities and to change the stigmatizing perception the public may have vis-à-vis such persons. In 2015, the Niger Federation of People with Disabilities (FNPH), with the support of the European Union, organized an awareness-raising campaign on the
importance of civil status and civil rights in the regions of Tillabéry, Dosso, Niamey and Tahoua.

The table here below paints a picture of awareness-raising campaigns at the national level.

**Table No. 9: Organization of awareness-raising meetings per region**

<table>
<thead>
<tr>
<th>Region</th>
<th>No. of meetings</th>
<th>No. of Participants</th>
<th>Persons with disabilities</th>
<th>Persons with no disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dosso</td>
<td>12</td>
<td>448</td>
<td>360</td>
<td>88</td>
</tr>
<tr>
<td>Tahoua</td>
<td>12</td>
<td>456</td>
<td>360</td>
<td>96</td>
</tr>
<tr>
<td>Tillabéry</td>
<td>12</td>
<td>444</td>
<td>360</td>
<td>84</td>
</tr>
<tr>
<td>Niamey</td>
<td>24</td>
<td>1006</td>
<td>720</td>
<td>286</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
<td><strong>2 354</strong></td>
<td><strong>1 800</strong></td>
<td><strong>554</strong></td>
</tr>
</tbody>
</table>

*Source: FNPH*

**D. RIGHTS OF THE ELDERLY (Article 18)**

*Strengthening and expanding social programmes for the elderly*

473. The elderly who have worked in the formal sector and are on retirement benefit from a retirement pension. Conversely, those in the informal sector do not benefit from social protection to meet their needs. It is in a bid to address this shortcoming that a bill protecting the elderly has been initiated. This bill provides for a non-contributory pension for the elderly to enable them to meet the basic needs in life. Similarly, other benefits are foreseen in the domains of health, food and access to justice. The bill is being adopted.

474. Retired civil servants are already benefitting from 90% medical coverage, as against 80% for civil servants in active service.

475. Moreover, councils for the elderly were set up in 2015. There is brainstorming with a view to strengthening the system of free care for the elderly and the poor through the Social Fund envisaged in the health sector. This year, the International Day of the Elderly was celebrated on 1 October 2016.
PART 4: THE RIGHTS OF PEOPLES AND THE DUTIES SET FORTH IN THE CHARTER

A. PEOPLES’ RIGHTS (Article 19)

1°) The right of peoples to equality

476. From its accession to international sovereignty, on 3 August 1960, Niger has, to date, always honoured its international commitments. A strong commitment in the preamble to the Constitution of 25 November 2010, which proclaims the attachment of the sovereign Niger people to the principles of pluralistic democracy and human rights as defined by the UDHR of 1948, the ICCPR of 1966, the ICESCR of 1966 and the ACHPR of 1981.

477. Niger has established republican institutions since its independence on 3 August 1960. Several regimes under so many constitutions have punctuated the political life of the country. But they have all, without exception, given importance to the respect of international commitments. Better still, the Constitution of 25 November 2010 incorporated the International Bill of Human Rights and the African Charter on Human and Peoples’ Rights into its constitutional provisions in the following terms: "We Nigerien sovereign people ... Let us proclaim our commitment to the principles of pluralistic 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 ... ."

478. Article 8 of the same Constitution also provides that "The Republic of Niger shall be a State governed by the rule of law. It ensures equality before the law regardless of gender, social, racial, ethnic or religious origin ".

2°) The right of peoples to self-determination (Article 20) (Article 20)

479. Niger has, in its mode of governance, adopted both the deconcentrated system and the decentralized system. This system enables the populations of the various regions to be governed locally. Nevertheless, the principle of self-determination in the sense of the colonial era is no longer relevant. Even if, according to Article 4 of the Constitution "National sovereignty shall belong to the People", it is exercised only within the precise framework of Article 3 which provides that "The Republic of Niger shall be a unitary State. It shall be one and indivisible, democratic and social ". Any attempt to question these principles is a crime and is punished as such by law.

3°) The right of peoples to the free disposal of their wealth (Article 21)

480. According to Article 148 of the Constitution, "the natural resources and subsoil shall be the property of the Niger people. The law shall lay down conditions for their prospecting,
exploitation and management ". Article 149, on the other hand, provides that "the State shall exercise its sovereignty over the natural resources of the subsoil. The exploitation and management of natural resources and subsoil must take place in a transparent manner and take into account the protection of the environment, the cultural heritage and the preservation of the interests of present and future generations ". Article 152 stipulates that "revenues from natural resources and subsoil shall be divided between the State budget and the budgets of local and regional authorities in accordance with the law".

481. As such, the Mining Law (Article 95) and the Niger Petroleum Code (Article 146) provide for a distribution of tax and non-tax revenues from extractive industries between local authorities (15%) and the Central Government (85%). This is an important added value for communities that can fund local development projects. Lastly, Article 153 of the Constitution stipulates that "the State shall invest in priority areas, especially agriculture, livestock, health and education, and the creation of a fund for future generations ".

482. Niger has also subscribed to the United Nations Global Compact Initiative and the Natural Resources Treaty and ECOWAS Additional Protocol A/SP1/12/01 of 21 December 2001 on Democracy and Development Good governance and EITI.

4°) The right of peoples to economic, social and cultural development (Article 22)

483. Government's initiatives in this regard have been widely documented in the domains of economic, social and cultural rights, especially the right to food, health, education and culture.

5°) The right of peoples to peace and international security (Article 23)

484. The right of peoples to peace and international security has been severely strained in the Sahelo-Saharan zone and in the Lake Chad Basin over the past three years. Niger, which has managed to remain an "island of peace" in an area marked on both sides by hotbeds of tension, has not been free from the attacks of the Boko Haram terrorist sect which has, since 6 February 2015, engaged in a frontal war against the country, with its cortege of dead and internally displaced persons in addition to thousands of refugees from neighbouring countries.

485. In response to these terrorist actions, the riparian States of the Sahara (Niger, Mali, Mauritania and Algeria) created an integrated command based in Tamanrasset (Algeria). Bilateral agreements have also been signed between States to strengthen the surveillance and the tracking of terrorist groups. This is the case between Niger and Mali.

486. The Multinational Joint Task Force, involving Nigeria, Niger, Chad, Cameroon and Benin, is made up of 8,700 troops. It will enable a better coordination of the efforts of a military coalition with a view to neutralizing terrorists. Other African States have expressed their solidarity with the countries affected by the Boko Haram terrorist attacks.
487. In order to secure people and their property and facilitate the movement of troops, Government decided to declare a state of emergency in the Diffa region in 2015. This measure is renewed by ordinance every three months.

488. It should be made clear that the right to security is guaranteed through the mobilization of substantial budgetary resources for the security sector and the deployment of the defence and security forces through permanent patrols nationwide.

489. Furthermore, in order to strengthen the legal and institutional frameworks for combating terrorism, Niger revised its Penal Code and Criminal Procedure Code (in 2016) with a view not only to tackling the issue of children involved in the fight against terrorism, but also to making the suppression of terrorism and certain related offences more effective.

490. Thus, under the law, juvenile judges have joined the anti-terrorist judiciary to deal exclusively with juvenile cases. The investigation of matters concerning them and the judgment thereof are carried out in accordance with the provisions of Law No. 2014-72 of 20 November 2014 to determine the competences, powers and functioning of juvenile courts in Niger.

491. Law No. 2016-21 of 16 June 2016 to amend and supplement Law No. 61-33 of 14 August to establish the Criminal Procedure Code also strengthens the jurisdiction of national courts in the fight against terrorism and transnational organized crime. Article 605.1 (new) provides that "the courts of the Republic of Niger shall have jurisdiction to prosecute perpetrators of offences relating to terrorism and transnational organized crime provided for in the Penal Code and other instruments in cases where the alleged perpetrator of one of these offences is in the territory of the Republic of the Niger and irrespective of the nationality of the alleged perpetrator or of his stateless status."

492. In order to reinforce the fight against terrorism, the National Security Council updates the President of the Republic every day on anti-terrorist actions on the ground. It is chaired by the President of the Republic and is composed of the Prime Minister, the Ministers in charge of security and justice and the central officials of the defence and security forces.

493. In fact, Niger has set up an institutional mechanism to combat terrorism and transnational organized crime, including:
   - the National Security Council;
   - the Central Service for the Fight against Terrorism and Transnational Organized Crime;
   - the Specialized Judicial Centre for the Fight against Terrorism and Transnational Organized Crime;

   - the National Committee for the Fight against Terrorism and Transnational Organized Crime;
   - the National Committee for the Coordination of Actions to Combat Money Laundering and the Financing of Terrorism;
494. All these various measures, coupled with the strengthening of the human and operational capacities of the Defence and Security Forces, have enabled the Government to ensure a nationwide security. The fight against Boko Haram is currently taking a positive twist with the surrender of the first combatants.

495. Niger's efforts in this area have also been rewarded through the Mandela Security Prize awarded to the President of the Republic of Niger in recognition of "his firm policy on national security and regional leadership security in the fight against terrorism-jihadism and drug trafficking in the Sahel and the Lake Chad area ". Similarly, the Thomas Sankara Prize for the African Renaissance was awarded to the President of the Republic. As stated by the Biya Centre for Peace, this award makes the President the golden lion of the "best solidarity action against terrorism through the coalition of African armed forces against boko haram".

6°) **The right of peoples to a healthy environment** (Article 24)

496. Article 35 of the Constitution establishes the principle of everyone's right to a healthy environment. The State's duty to protect the environment applies not only to present generations but also to future generations. In addition, the transit, import, storage, burial, dumping of foreign toxic or polluting wastes into the national territory, as well as any related agreement, constitutes a crime against the nation punishable by law.

497. The State is therefore responsible for assessing and controlling the impacts of any environment development project and programme. To this end, plans and strategies are developed and implemented, namely;

- the National Environment Plan for Sustainable Development;
- the National Action Plan to Combat Desertification and Natural Resource Management;
- the Climate Change Action Plan.

In addition to these, the State is undertaking other moves with a view to fulfilling its mission of protecting the environment.

498. A revitalization of the regulatory framework through the revision of the mining law to better take into account the environmental, social and radiological aspects is under way, among others. From the institutional point of view, the creation of a Directorate for Environmental Protection and establishments classified to give sufficient visibility and responsibility to the Environment and Dangerous, Unhealthy or Unsuitable Institution component is envisaged within the Ministry of Mines. The capacity of the Directorate of Environmental Protection in logistics and equipment for monitoring and control of environmental parameters has been strengthened to enable it to fulfil its mission better.
Environmental audits of the mining and classified industries are carried out every three years. Guides on good environmental practices in Extractive Industries are developed and disseminated every year.

**B. DUTIES OF THE STATES STIPULATED IN THE CHARTER (Article 25)**

1°) *The specific duties incumbent on States Parties under Article 25 of the Charter*

The Constitution of Niger in Part II entitled "Rights and Duties of the Human Person" enshrines the equality of citizens in rights and duties, the sanctity of the human person, the right to life, physical and moral integrity, adequate and safe food, safe drinking water, education and instruction, prohibition of torture, presumption of innocence, non-discrimination and others. The effectiveness of these rights and their enjoyment refers to the law which defines the conditions. In practice, in the various areas mentioned above, policies, strategies and mechanisms are put in place to assess the implementation of these rights.

Besides these consecrated rights, citizens must in return comply with a number of obligations; such as respect for the Constitution and the legal order of the Republic, the defence of the Nation and the integrity of the territory of the Republic, respect for and protection of public property, compliance with fiscal obligations. The aim is to create a national consciousness among the citizens, a consciousness that participates in the will to build a democratic State on common and shared values.

To this end, the State and its partners have set up training programmes for State actors on human rights in order to strengthen their capacities to react with regard to their respect and integration of the human rights component in all policies and programmes. Civil society organizations support the State in this task through awareness-raising actions and training of communities on their rights and duties.

2°) **The duty to guarantee the independence of the courts (Article 26)**

At least three provisions of the Constitution affirm the will of the Niger to guarantee the independence of the courts. These are Article 116 of the Constitution which stipulates that "the judiciary shall be independent of the legislative and executive branches"; Article 118 which provides that "in the performance of their duties, magistrates shall be independent and subject only to the authority of the law" and lastly Article 119 (3), which provides that "the magistrates of the seat shall be irremovable". Law No. 2007-05 of 22 February 2007 on the status of the judiciary determines the rights and duties of magistrates, while Law No. 2004-50 establishes the rules governing the organization and functioning of the courts in the Republic of Niger.

Significant efforts have been made by the State to strengthen judicial capacity in human and material resources, including the recruitment of new judges and the creation of new courts.
This approach is intended to bring justice closer to the public by creating the conditions for equal access by citizens to the public service and improving the indicators in this domain.

505. No harmful interference is seen in the regular functioning of the three powers. All the powers are working within their sphere and respecting the separation of powers enshrined in the Constitution.
PART 5: EFFORTS PROVIDED UNDER THE RIGHT TO HUMAN RIGHTS EDUCATION

506. It should be recalled that Niger has, since 2009, embarked on a process of providing education in the domain of human rights. Indeed, within the framework of implementing the programme "Improving Access to Justice and Human Rights Promotion" signed between the Government of Niger and the UNDP, an activity called "Integration of human rights" was initiated in training curricula. The aim of this activity, as the name implies, is to integrate the human rights dimension into training curricula at all levels. Hence, a think-tank was organized in 2009 by the ministries in charge of justice and national education to define the training modules and levels of education to be taken into account in the reform of the curricula. The process evolved with the development and validation of the draft human rights education curriculum in schools and training centres, the training of 50 curriculum writers, the design of Human Rights Teacher training modules, the development of guides and the training of teachers on these guides. The process continues.
507. **PART 6: DIFFICULTIES ENCOUNTERED IN APPLYING THE CHARTER IN RELATION TO POLITICAL, ECONOMIC AND SOCIAL CONDITIONS**

508. Politically, since the presentation of the latest report, Niger experienced political stability through the organization of general elections in 2016. Nevertheless, the local elections scheduled for the same year were postponed to a later date for organizational reasons.

509. It should be noted that the insecurity in certain parts of our country since February 2015 had a negative impact on the implementation of the Charter. Indeed, Niger is situated at the centre of the conflicted areas, namely the Lake Chad Basin (boko haram), the north (Libyan conflict) and the northwest (instability in Mali). Attacks by the boko haram terrorist sect resulted in significant loss of lives, material damage and displacement of people.

510. This insecurity faced by Niger prompted the Government to take measures restricting individual freedoms by adopting a state of emergency and warning measures in the regions concerned. A good chunk of the national budget was also channelled to the security sector. This did not fail to affect the basic social sectors. The educational sector experienced strike-related disturbances attributed mainly to material claims.

511. Faced with the new challenges, Niger will only be able to prioritize its priorities and thus be able to face the major challenges of combating food insecurity, promoting girls' schooling and education quality, effectiveness of the right to health, environmental protection, improvement of the legal framework for the protection of women's rights.

512. A major obstacle to the effective implementation of the ACHPR is the strong pressure from religious leaders and cultural constraints. This explains the non-ratification by Niger of the Maputo Protocol. But efforts are being made by the State to change the mentality that will improve the legal framework for women's rights.

513. Despite all these various difficulties, Niger is committed to its obligations to implement the ACHPR charter.
PART 7: NIGER’S RESPECT OF THE CHARTER IN ITS INTERNATIONAL RELATIONS

514. The Constitution of Niger proclaims in its preamble its attachment "to the principles of pluralistic democracy and human rights as defined by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples’ Rights on the one hand, and on the other hand, on all regional and international legal instruments for the protection and promotion of human rights as signed and ratified”.

515. The same preamble reaffirms Niger's commitment to African unity and its commitment to work towards regional and sub-regional integration.

516. Article 171 of the Constitution provides that "Treaties or agreements which have been duly ratified shall, as soon as they are published, have superior authority to that of the laws subject to the application by the other party of each agreement or treaty". This demonstrates the willingness of the State of Niger to give effect to its international commitments and ensure the compliance of its national laws with these commitments. Thus, the non-conformity of a national law with the provisions of an international treaty can lead to the censure of the provision considered unconstitutional.

517. In its relations with other States, Niger advocates peace and security in the world; this justifies the deployment of peacekeeping troops in several countries (Mali, Haiti, Côte d'Ivoire, Central African Republic, DRC, etc.). Good neighbourliness is a credo of its policy with the border countries. On this point, faithful to its principles, Niger supported the peaceful settlement of border disputes between Benin and Burkina Faso; it has undertaken to materialize its various borders with all its neighbours to prevent territorial claims likely to create tensions. Niger belongs to a number of regional and sub-regional organizations such as ECOWAS, UEMOA, the Council of the Entente, the African Union, wherein it works for the promotion of peace, security, unity and the integration of peoples.

518. At the international level, Niger, which is a member of several international organizations, including the UN, advocates a policy that promotes respect for the dignity of Niger and its people and the advent of a safer world wherein the rights of the weakest are recognized and accepted especially through the promotion of trade and fair trade. Niger is a country open to bilateral and multilateral co-operation if its interests are not misunderstood.
CONCLUSION

519. This report develops the legislative, administrative and other measures taken to implement the rights and freedoms contained in the African Charter on Human and Peoples' Rights in Niger during the period 2014 to 2016. It emerges that the country has made significant strides over the last two years.

520. This progress has to do with the legal and institutional frameworks as well as the enjoyment by citizens of the various rights and freedoms enshrined in the Charter. Indeed, one notes the adoption of new legislative measures, particularly those relating to the smuggling of migrants, the right to nationality, the fight against terrorism, pastoralism and prison administration.

521. The institutional and political situation of the country remained stable with the holding of general elections in 2016 and the continuation of the normal functioning of all constitutional institutions.

522. Efforts were also made in the area of the promotion and protection of specific rights.

523. In order to ensure the welfare and security of the population, the Government is demonstrating its determination despite the worrisome security situation in the country.

524. It should be emphasized that despite all the progress made by Niger with regard to the respect for the rights and freedoms set forth in the African Charter from 2014 to 2016, much remains to be done today, notably in terms of security, basic social rights and the rights of women. The attacks of the terrorist group Boko Haram, the recurrent food crises, ratification of the Maputo Protocol, accelerated desertification and silting up of the Niger River, the management of migratory flows are the biggest challenges facing the country.

525. Conscious of these challenges, Niger continues, with the support of its partners, to develop concrete initiatives that will undoubtedly contribute to the effectiveness of the rights and freedoms enshrined in the African Charter on Human and Peoples' Rights.