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The Niger

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Introduction

1. The Niger submitted its national report to the first cycle of the universal periodic review on 11 February 2011. Following that submission, it received 112 recommendations, of which 110 were accepted and 2 were noted. The Niger submitted its national report to the second cycle of the universal periodic review on 18 January 2016. It received 168 recommendations, of which it accepted 167 and noted 1.
2. In accordance with the guidelines set out in Human Rights Council decision 17/119, the Niger hereby submits this report under the third cycle of the universal periodic review.
3. Following consideration of its report on the second cycle of the universal periodic review, and in order to honour its international commitments, the Niger has continued its efforts to protect and promote human rights. Thus, significant progress has been made with regard to the ratification of international instruments, the reform of the judicial and penitentiary systems, the rights to health, education, food and security, specific rights and those of vulnerable persons, and certain third-generation rights.
4. An assessment of the implementation of accepted recommendations shows that 80 per cent have been fully implemented, 15.5 per cent have been partially implemented and 4.5 per cent are pending. Despite numerous examples of progress, much remains to be done to improve the protection of human rights. Among other things, the security challenges that the country has faced since 2015, a lack of financial resources and sociocultural and demographic constraints are obstacles to the realization of certain rights enshrined in national and international texts.
5. The present report, in accordance with the guidelines issued by the Human Rights Council, is structured around six main parts, namely:
 - Methodology and process for preparation of the report
 - Changes in the normative and institutional framework and public policies since 2016
 - Promotion and protection of human rights on the ground
 - Implementation of the recommendations issued at the last cycle of the country's universal periodic review
 - Human rights priorities, initiatives and commitments
 - Needs in terms of capacity-building and technical and financial assistance

I. Methodology and process for preparation of the report

6. Until 2010, the Niger did not have a formal structure in charge of drafting reports to the treaty bodies and the universal periodic review mechanism. A national drafting committee for these reports was set up on 17 March 2010. Aware of the stakes and the benefits of respecting its international commitments through the protection and promotion of human rights, the Government on 6 January 2017 raised the rank of this Committee, which became interministerial, by a decree adopted by the Council of Ministers.
7. The present report was drafted by this Interministerial Committee, which is composed of 18 members representing the key ministries in charge of human rights issues. The Committee, which is administered by a permanent secretariat, may call upon any resource persons to carry out its mission.
8. In implementing the recommendations and preparing this report, the Committee has adopted a participatory and inclusive approach, in several stages:
 - Submission to all stakeholders, on 8 July 2016, of the report on the examination of the situation in the country under the second cycle, with a view to ensuring national ownership of the content of the report and the recommendations received
 - Adoption by the Council of Ministers of a plan for implementation of the recommendations, on 27 October 2017

- Dissemination of the plan among the bodies and partners concerned
- Organization, on 13 December 2018, of a parliamentary day on the implementation of the recommendations
- Organization of several regional workshops on the status of implementation of the recommendations
- Preparation of a midterm report on implementation of the recommendations
- Collection and compilation of data to be included in the national report
- Adoption by the Interministerial Committee of the draft national report, during a workshop
- Validation of the draft national report during a meeting whose attendance was limited owing to the coronavirus disease (COVID-19) pandemic, involving some civil society organizations, the National Human Rights Commission and other State structures not members of the Interministerial Committee
- Adoption in the Council of Ministers of the draft national report, by decree

II. Development of the normative and institutional framework for the promotion and protection of human rights

A. Normative framework

1. Newly ratified international and regional instruments

9. Since the submission of its last report, the Niger has ratified or acceded to several international instruments, including, inter alia:

- Paris Agreement on climate change
- Statute of the Organization of the Islamic Conference Women Development Organization
- Protocol to Eliminate Illicit Trade in Tobacco Products, protocol to the Framework Convention on Tobacco Control of the World Health Organization
- Judicial cooperation agreement between the Republics of Mali, the Niger and Chad
- Cooperation agreement between the United Nations and the Republic of the Niger on the criminal prosecution of members of Islamic State in Iraq and the Levant
- Additional Protocol A/P/SP1/7/93 supplementing the provisions of article 7 of the Protocol on the free movement of persons, the right of residence and establishment
- Protocol of 10 December 1999 relating to the mechanism for conflict prevention, management and resolution, peacekeeping and security
- Bangui Agreement establishing the African Intellectual Property Organization
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) of the International Labour Organization (ILO)
- Amendments to the Rome Statute of the International Criminal Court on the crime of aggression
- Agreement establishing the African Continental Free Trade Area
- Convention on Protection of Children and Cooperation in respect of Intercountry Adoption
- Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer
- Extradition agreement between the Government of the Niger and the French Republic
- ILO Employment Policy Convention, 1964 (No. 122)

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
- African Charter on Values and Principles of Public Service and Administration
- ILO Maternity Protection Convention, 2000 (No. 183)
- African Road Safety Charter
- etc.

2. Development of the national normative framework

10. With a view to providing a better living environment for the population in an environment conducive to respect for human rights, the Government adopted several pieces of legislation between 2016 and 2020, including:

- Act No. 2016-33 of 31 October 2016 on money-laundering and the financing of terrorism
- Act No. 2016-41 of 15 November 2016 on the composition, responsibilities and operating rules of the National Security Council
- Act No. 2016-42 of 15 November 2016 extending the state of emergency in the Diffa Region
- Act No. 2016-44 of 6 December 2016 on the creation, tasks, responsibilities, composition, organization and functioning of the High Authority to Combat Corruption and Related Offences
- Act No. 2016-45 of 6 December 2016 on the creation, tasks, responsibilities, organization and operation of a Nuclear Regulation and Safety Authority
- Act No. 2017-05 of 31 March 2017 establishing community service
- Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system
- Act No. 2017-09 of 31 March 2017 establishing the autonomous statute for prison administration staff
- Act No. 2017-23 of 21 April 2017 on the repression of offences involving the use of cheques, bank cards and other electronic payment instruments and processes
- Act No. 2017-28 of 3 May 2017 on the protection of personal data
- Act No. 2017-50 of 6 June 2017 amending certain articles of the Constitution
- Act No. 2017-56 of 8 June 2017 amending articles 84 and 173 of the Constitution
- Act No. 2017-03 of 30 June 2017 establishing the mining law
- Act No. 2018-22 of 27 April 2018, establishing the basic principles of social protection
- Act No. 2018-23 of 27 April 2018 on audiovisual communication
- Act No. 2018-24 of 27 April 2018 on the statute for judicial appointees
- Act No. 2018-25 of 27 April 2018 establishing the fundamental principles for construction and housing
- Act No. 2018-26 of 27 April 2018 amending Act No. 2015-08 of 10 April 2015 establishing the organization, competence, procedure and functioning of the commercial courts
- Act No. 2018-27 of 27 April 2018 amending Act No. 2018-08 of 30 March 2018 on the procedures for the settlement of small claims cases in commercial and civil matters
- Act No. 2018-28 of 14 May 2018 establishing the basic principles of environmental assessment
- Act No. 2018-31 of 16 May 2018 amending Act No. 2012-34 of 7 June 2012 on the composition, responsibilities, organization and operation of the High Council for Communications

- Act No. 2018-35 of 24 May 2018 on the statute for notaries
- Act No. 2018-36 of 24 May 2018 on the statute for the judiciary
- Act No. 2018-37 of 1 June 2018 establishing the organization and jurisdiction of the courts in the Niger
- Act No. 2018-45 of 12 July 2018 regulating electronic commerce
- Act No. 2018-47 of 12 July 2018 on the creation, organization and operation of the regulatory authority for electronic communications and postal services
- Act No. 2018-74 of 10 December 2018 on protection and assistance for internally displaced persons
- Act No. 2019-25 of 27 June 2019 amending Ordinance No. 2010-84 of 16 December 2010 on the Charter of Political Parties
- Act No. 2019-38 of 19 July 2019 amending the Electoral Code
- Act No. 2019-28 of 1 July 2019 establishing the means for the free exercise of religion in the Republic of the Niger
- Act No. 2019-29 of 1 July 2019 on the civil status regime in the Niger
- Act No. 2019-33 of 3 July 2019 on the repression of cybercrime in the Niger
- Act No. 2019-062 of 10 December 2019 establishing fundamental principles for the integration of persons with disabilities
- Act No. 2019-69 of 24 December 2019 amending Act No. 2000-008 of 7 June 2000 instituting a quota system for elected posts in the Government and in the State administration
- Act No. 2020-05 of 11 May 2020 on the criminalization of torture
- Act No. 2020-02 of 6 May 2020 establishing the national mechanism for the prevention of torture
- Act No. 2020-03 of 6 May 2020 on the repression of offences relating to the manufacture, importation and sale of fertilizers
- Act No. 2020-019 of 3 June 2020 on the interception of certain communications sent by electronic means
- Act No. 2020-031 of 22 July 2020 amending Act No. 2018-37 of 1 June 2018 on the organization of the judiciary
- Act No. 2020-036 of 30 July 2020 amending the organic law on the organization and functioning of the Constitutional Court
- Act No. 2020-035 of 30 July 2020 establishing the responsibilities, composition, organization and functioning of the Court of Auditors
- Act No. 2020-037 of 12 October 2020 establishing a criminal chamber in the *Tribunal de Grande Instance* (court of major jurisdiction)
- Act No. 2020-057 of 9 November 2020 establishing the autonomous statute for the police
- etc.

11. Several decrees have been adopted establishing the procedures for implementing some of these laws.

B. Institutional framework

12. After the submission of the last national report, new structures for the promotion and protection of human rights were created and others that already existed were strengthened.

National Human Rights Commission

13. The mission of the National Human Rights Commission is to ensure the promotion and effectiveness of rights and freedoms. To comply with the Convention against Torture, Act No. 2020-02 of 6 May 2020 strengthened the Commission's powers by placing the national mechanism for the prevention of torture under its purview.

14. The Commission, which in 2010 had lost its category A status for compliance with the Paris Principles, regained the status in March 2017. It presented its latest report to the National Assembly on 29 June 2019 on the status of human rights in the Niger. The Commission has become a model for national human rights institutions in the subregion.

High Council for Communications

15. The Council's main mission is to regulate the communications sector and to guarantee the freedom and independence of the audiovisual, print and electronic media.

16. Its responsibilities and organization were reinforced by Act No. 2018-31 of 16 May 2018. This law has been supplemented by others, including Act No. 2018-23 of 27 April 2018 regulating audiovisual communications.

High Authority to Combat Corruption and Related Offences

17. The High Authority is a permanent State body initially created by Decree No. 2011-215/PRN/MJ of 26 July 2011. On 6 December 2016, Act No. 2016-44 was adopted to bring it into line with the Jakarta Statement on Principles for Anti-Corruption Agencies and the provisions of the United Nations Convention against Corruption. The High Authority is now governed by the latter law. This law strengthens the legal and institutional capacities of the High Authority. It thus can take up cases on its own initiative, has the power of the judicial police, can access inspection and oversight reports and proceed with the identification, location, seizure and sealing of evidence. In addition, the High Authority prepares investigation reports which are forwarded directly to the Public Prosecutor, who is obliged to open a judicial inquiry. The Authority also adopted a National Strategy for the Fight against Corruption and a 2018–2020 Action Plan. It has a Twitter account, Facebook and YouTube profiles and a website (www.halcia.ne) with complaint and report forms that ensure greater accessibility for the public.

Courts and tribunals

18. The high courts of the Niger are the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors, the High Court of Justice and the Courts of Appeal. Some have seen their composition or responsibilities modified in order to strengthen them for the proper administration of justice.

19. Act No. 2018-37 of 1 June 2018 set up courts of appeal in each region, thus increasing their number from two to eight. The same law also established a *tribunal d'instance* (court of minor jurisdiction) in the capital of each department, bringing their number to 59 and thus covering the entire country. Also, for the first time, circuit courts were set up, based in the cities of Niamey, Zinder, Maradi and Tahoua. This law did away with assize courts and replaced them with criminal chambers within the *tribunaux de grande instance* (courts of major jurisdiction). To ensure complete coverage of the country by bringing the justice system closer to the people, communal courts were set up in each rural commune.

20. The new courts are gradually being phased in. The Government's efforts to support the judiciary have thus made it possible to significantly increase the country's rate of court coverage, from 59.70 per cent in 2018 to 64.18 per cent in 2019, an increase of 4.48 percentage points.

21. However, human resource indicators for the judiciary remain below international standards. Thus, in 2019, the clerk-to-judge ratio and the officers-to-judge ratio were 0.93 and 0.57, respectively, or fewer than one clerk per judge, and fewer than two officers per judge, below the standards in this area, which are for two clerks per judge, or three officers per judge.

22. The judge-to-population ratio improved to one judge for 50,212 inhabitants in 2020, as against one judge for 54,001 inhabitants in 2018. The number of judges increased from 399 in 2018 to 421 in 2019 and 471 in 2020.

National Commission for Combating Trafficking in Persons and Illegal Trafficking of Migrants

23. The Commission was created by Ordinance No. 2010-86 of 16 December 2010, and its responsibilities were extended by Act No. 2015-36 of 26 May 2015 on the illegal trafficking of migrants. The Commission drew up the first action plan to combat trafficking in persons (2014–2018) and is currently working on a second action plan, covering the period 2020–2024. Another plan specific to the illegal trafficking of migrants is also being drawn up for the same period.

National Agency for Combating Trafficking in Persons and Illegal Trafficking of Migrants

24. The Agency was established by Ordinance No. 2010-86 of 16 December 2010, and its organization and operation were updated by Decree No. 2018-148 PRN/MJ of 8 March 2018, which amends Decree No. 2012-083/PRN/MJ of 21 March 2012. It is responsible for implementing the decisions taken by the National Commission. The Agency recently established local offices and set up a centre where victims of trafficking can be heard and receive guidance.

National Agency for Legal and Judicial Assistance

25. The Agency was established in 2011 and has opened local offices in the 10 *tribunaux de grande instance* (courts of major jurisdiction). There are plans to extend this network to the *tribunaux d'instance* (courts of minor jurisdiction). Between 2015 and the end of 2017, around 10,000 people received legal assistance from the Agency's local offices and at awareness-raising sessions and legal clinics organized at short-stay prisons by national legal officers under the United Nations Volunteers programme. As regards judicial assistance, around 1,850 persons benefited from the services of court-appointed defence lawyers or lay counsel in the same period.

III. Promotion and protection of human rights on the ground and fulfilment of international obligations

A. Fulfilment of international obligations

26. Article 171 of the Constitution establishes that duly ratified treaties and agreements take precedence over national law as soon as they are published, providing that the agreement or treaty concerned is implemented by the other party. All persons have the right to appeal to the competent national tribunals for acts violating their fundamental rights as recognized and protected by the Constitution, international treaties and in-force laws and regulations.

27. The Niger respects its international commitments by adapting its domestic legislation to bring it into line with international and regional instruments. Such instruments may be invoked by anyone who considers his or her rights to have been violated.

28. The Niger, which became a non-permanent member of the United Nations Security Council on 1 January 2020, also implements the decisions and recommendations of international and regional mechanisms for the protection and promotion of human rights.

B. Human rights education and awareness-raising

29. Article 43 of the Constitution establishes that “the State has a duty to ensure the translation and dissemination in the national languages of the Constitution and of texts

relating to human rights and fundamental freedoms. It guarantees the teaching of the Constitution, human rights and civic education at all levels of education”.

30. To give effect to this provision, human rights curricula have been established at some schools beginning at the primary level, and the State, with the assistance of non-governmental organizations, is working on the translation into all national languages of the main regional and international instruments for the protection and promotion of human rights.

31. The media, both public and private and at both the national and local levels, also broadcast awareness-raising and training programmes so that people understand their rights and duties as set out in the instruments and the action to take in the event of violations of those rights.

32. Before the establishment of democracy in the country, human rights education was not included in the school curricula and was limited to isolated, desultory experiments at a few schools and vocational training centres. However, as a result of the profound changes that have taken place in society and the country’s commitment to what has become an irreversible democratization process, human rights education is now a genuine instrument for deepening the ideals of democracy, freedom, equality and peace.

33. Textbooks produced by the government ministries responsible for education have been heavily updated in recent years. The authorities have shown their commitment to including human rights education in the curricula when developing textbooks for the country’s education system. Thus, with the support of the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, the ministries responsible for education and training have developed textbooks for teaching human rights and have proceeded with capacity-building for teachers, after an experimental phase was implemented in Niamey. Concepts such as tolerance, a culture of peace and non-violence and citizens’ rights and duties are addressed in a subprogramme entitled “civic and moral education”.

C. Actions taken for the promotion and protection of human rights

34. The Niger has adopted significant measures to ensure the effective enjoyment by citizens of their rights. These measures are elaborated upon in the section IV of this report, on the implementation of recommendations.

D. Cooperation with human rights mechanisms

35. The Niger maintains sound and productive cooperation with regional and international mechanisms for the promotion and protection of human rights, including special rapporteurs, country inquiries, country visits and treaty bodies. It has always stated that it accepts requests for country visits and inquiries and agrees to publish the resulting reports.

36. Requests for information or cooperation are regularly addressed to the Niger in judicial, security and other matters. It deals with such requests promptly and effectively.

37. Since the submission of its last national report to the universal periodic review, our country has made up all the ground lost in the regular submission of its reports to international and regional treaty bodies. The COVID-19 pandemic prevented it from sending delegations to Geneva for the presentation of two of these reports, which are still pending.

IV. Follow-up and implementation of recommendations and pledges made in the second cycle of the universal periodic review

A. Status of implementation of recommendations

38. The Niger received 168 recommendations, of which it accepted 167 and noted 1. At the end of the review, a feedback workshop was held in order to report on the process and share the recommendations with all stakeholders. An implementation plan was drawn up and adopted by the Council of Ministers on 27 October 2017. The plan was disseminated in all State bodies, civil society structures and technical and financial partners, to garner support. Meetings were held with the Head of Government on the follow-up for implementation of the recommendations. According to the latest review of implementation, 80 per cent of the recommendations have been fully implemented, 15.5 per cent are currently being implemented and 4.5 per cent have not yet been implemented.

39. To report on their implementation, these recommendations have been grouped by objective and subject matter.

1. International and regional human rights mechanisms, instruments and cooperation

(a) *Abolish the death penalty (R120.5–120.13, R120.76–120.84)*

40. This recommendation has not yet been effectively implemented, but the State is making enormous efforts to do so. On 16 December 2010 the National Consultative Council organized a vote on the issue, which resulted in 27 votes for abolition and 40 against, with 4 abstentions. Despite this failure, the Council of Ministers on 23 October 2014 adopted a bill authorizing the country's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Unfortunately, the bill was rejected in the parliament.

41. In order to convince the deputies, parliamentary information days were organized by the National Human Rights Commission, civil society organizations and the Government itself. After a meeting was held by the Ministry of Justice on 13 December 2018, giving rise to heated discussions, on 24 December 2018 the Minister of Justice referred the matter to his colleague responsible for foreign affairs, by letter No. 001946 /MJ/GS/SP/CIM, in order to initiate the process of ratification of the protocol abolishing the death penalty. Consultations are currently under way. Pending the outcome, the Niger has since 2018 continued to vote in favour of the moratorium on the application of the death penalty. The death penalty has not been applied in the country since 21 April 1976.

(b) *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (R120.1)*

42. The Convention was ratified on 24 July 2015.

(c) *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (R120.2)*

43. The Niger acceded to the Convention on 18 March 2009.

(d) *Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (R120.3)*

44. This protocol was ratified on 13 March 2012.

(e) *Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (R120.4)*

45. This protocol has not yet been ratified but the ratification process is under way.

- (f) *Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) to ensure women's rights (R120.16)*

46. The ratification procedure has been initiated many times but has been postponed for further consultation at the national level. The reason for this is that the text contains provisions deemed by some to be contrary to the country's customs and practices governing family law.

- (g) *Ratify the Convention on the Prevention and Punishment of the Crime of Genocide and on the non-applicability of statutes of limitations for war crimes and crimes against humanity (R120.24 to R120.26)*

47. The Niger acceded to the Convention on 6 May 2019.

- (h) *Ratify the ILO Domestic Workers Convention, 2011 (No. 189) (120.27)*

48. The ratification process is under way. Indeed, when asked for an opinion by the government minister responsible for ratification, the Minister of Employment, Labour and Social Protection stated in letter No. 000661/MET/PS/DGT/DNIT, dated 25 August 2020, that before going ahead with ratification, the Niger must prepare the country's mindset for the changes it would entail, and above all must amend its social legislation.

- (i) *Withdraw its reservations to the core human rights instruments (the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women (R120.14 to 120.23, R120.69 to R120.71)*

49. Of these instruments, only the Convention on the Elimination of All Forms of Discrimination against Women has been ratified with reservations, and there has been no real movement towards lifting the reservations, due to a lack of understanding by a portion of the public. However, the Ministry of Justice, the Ministry for the Advancement of Women and Protection of Children, the National Human Rights Commission and civil society organizations have initiated several panels and day events on this issue.

- (j) *Submit all overdue reports to the relevant treaty bodies and develop a mechanism for follow-up and implementation of the recommendations of the treaty bodies and the universal periodic review mechanism (R120.62, R120.63)*

50. The Niger has made up for the delay by submitting all its initial and periodic reports. The mechanism for follow-up and implementation of the recommendations exists and has been entrusted to the Interministerial Committee for drafting reports to treaty bodies and the universal periodic review.

- (k) *Establish normative frameworks to help domesticate the human rights instruments it has ratified (R120.28)*

51. A committee of experts has been set up to identify all texts of domestic law that are not in line with international human rights legal instruments. In the Ministry of Justice, in addition to the Directorate for Legislation and Reform, a commission has been set up for legislative and regulatory reforms in criminal, civil, commercial and administrative matters. Several texts have been adopted as part of this harmonization.

- (l) *Take all necessary measures to fully align its legislation with the Rome Statute of the International Criminal Court, and particularly to allow full cooperation with the International Criminal Court (R120.13, R120.29)*

52. The Niger is one of the countries whose timely deposit of instruments of ratification has enabled the International Criminal Court to begin its work. It maintains full cooperation with the court, whose Prosecutor received a special invitation in April 2017 to take part in a parliamentary day devoted to the institution. As part of that cooperation, in 2015 the Government handed over to the Court a Malian jihadist who was the subject of an arrest warrant for war crimes committed in Mali, who had been detained in the Niger.

2. National policies, programmes, strategies, plans and institutions for the protection and promotion of human rights

(a) *Conduct a review of prison conditions and address prison overcrowding (R120.89)*

53. The Ministry of Justice regularly receives reports and updates on the living conditions of detainees both from State structures and from civil society organizations. Monthly visits are made by the local judicial authorities and inspection missions are carried out whenever necessary. Corrective action is taken when violations of rights are reported. In April 2020 the Government adopted prison and penal policies to improve and humanize prisons and address overcrowding. Implementation of these policies required the establishment in 2020 of a National Agency for Alternatives to Incarceration and the Rehabilitation of Prisoners.

(b) *Adopt a long-term national plan with local communities and civil society in order to reduce the traditional practice of slavery among certain ethnic groups and avoid its continuity in future generations and to eradicate it definitely (R120.109)*

54. The National Plan of Action to Combat Slavery and Similar Practices covering the period 2019–2021 and taking into account this recommendation was developed with the participation of civil society organizations, the National Human Rights Commission and the International Labour Office.

(c) *Continue its efforts to strengthen the National Human Rights Commission, in accordance with the Paris Principles and with the full participation of civil society, and establish an independent and specialized institution to investigate any allegations of human rights violations (R120.128)*

55. In 2017, the National Human Rights Commission regained its A status, reflecting compliance with the Paris Principles, which it had lost in 2010. It is responsible for investigating any allegations of human rights violations. The independence of this institution is enshrined in the Constitution, which also gives it autonomy in its financial management.

(d) *Continue to implement the National Policy on Justice and Human Rights (R120.49)*

56. This policy was accompanied by a plan of action for the period 2016–2025, whose implementation is continuing. The numerous reforms undertaken in the judicial sector are part of this implementation. With a total cost of 314 billion CFA francs, the plan is expected to be financed with participation of 55 per cent from the State and 45 per cent from partners.

57. To this end, the State and its partners have maintained a permanent dialogue, within an organized framework, so that the reform of the justice system can be carried out in the best interests of the State and the people of the Niger.

(e) *Further strengthen its efforts in implementing the National Action Plan to Combat Trafficking in Persons 2014–2019 and conduct a nationwide study on the prevalence of slavery and slavery-like practices, in cooperation with national and international stakeholders (R120.11)*

58. The National Commission for Combating Trafficking in Persons and Illegal Trafficking of Migrants has carried out an evaluation of the implementation of the 2014–2018 National Action Plan to Combat Trafficking in Persons. The second plan, which is currently being drawn up, holistically takes into account the issue of slavery and all similar practices. The International Labour Office has already committed to funding it through the Bridge Project.

59. The national study on the prevalence of slavery and slavery-like practices, which lasted six months, was conducted by Timidria, a non-governmental organization, with support from the State and from technical and financial partners. The study was endorsed at a workshop held in 2020, with the participation of all stakeholders.

- (f) *Continue its efforts to promote and protect the rights of children and of persons with disabilities and continue to implement the National Social Welfare Policy for Persons with Disabilities (R120.5)*

60. Our country has ratified the Convention on the Rights of Persons with Disabilities. The Ministry of Population is responsible for taking all the steps required to ensure its effective implementation. Several laws have already been adopted to guarantee and promote the presence of persons with disabilities in the labour market and to facilitate their access to services, companies and public places.

61. The Policy for Protecting Children against Abuse, Violence and Exploitation, which calls for an individualized and personalized approach to care, also takes children with disabilities into account. The legal and institutional framework is in place and operational to serve as the basis and develop a strategy for promoting and protecting the rights of persons with disabilities.

62. To better protect them, the Ministry of Population has engaged in drawing up policy documents, including the National Population Policy and the National Strategy for the Reintegration of Persons with Disabilities. Several texts were adopted in this framework between 2017 and 2020.

- (g) *Adopt an action plan for the employment of women and young people (R120.140)*

63. The Ministry of Employment, Labour and Social Protection is developing an action plan for youth employment, with funding from the Economic Community of West African States. Its aim is to attain two fundamental public policy objectives, namely rapidly achieving the demographic dividend and limiting immigration of able-bodied people.

- (h) *Continue implementing the 3N Initiative to guarantee the realization of the right to food and advance in the effective implementation of the human rights to water and sanitation, by increasing public water infrastructures (R120.145 and R120.146)*

64. In November 2016, the Government adopted the Water, Hygiene and Sanitation Sector Programme (PROSEHA 2016–2030), covering a period of 15 years. In line with the Sustainable Development Goals, this programme, with a cost of 3,289,000,000 CFA francs, in reality simply corresponds with Goal No. 6: to ensure universal access to water and sanitation.

65. Thanks to the progress made, the rate of access to drinking water has increased from 45.91 per cent in 2017 to 46.31 per cent in 2018, and 740,790 more people now have access, bringing the total number to 8,438,569, out of a rural population of approximately 18 million. We should note that the continuous, overall increase of 1.26 percentage points made it possible to reach the 90 per cent target in 2020.

3. Governance (democracy, elections, transparency and the fight against impunity, terrorism and drug trafficking)

- (a) *Continue to protect and respect human rights standards and obligations in the fight against terrorist activities and strengthen measures taken at the national level to control borders and combat human trafficking and drug smuggling and to counter Boko Haram terrorist activities at the borders, and continue to ensure effective coordination with neighbouring countries in that regard*

66. Since the Niger began facing the threat of terrorism and transnational organized crime, it has continuously taken and envisaged measures to prevent or counter terrorist acts. Such actions depend on the magnitude of the threat. Thus, in addition to intelligence gathering and patrols in all areas placed under a state of emergency, the Niger is also combating terrorism and other trafficking of all kinds through joint subregional (G5 Sahel) and international forces (the United Nations Multidimensional Integrated Stabilization Mission in Mali, the Multinational Joint Task Force against Boko Haram (MJTF) and Operation Barkhane).

67. The National Commission for Combating Trafficking in Persons and Illegal Trafficking of Migrants is currently working on its second national action plan to combat

trafficking in persons. To this end, several activities are being carried out, in particular to bring the national legal framework into line with international standards and human rights, which is a priority.

- (b) *Strengthen safety and protection measures for the exploitation of natural resources, in order to rigorously protect the environment and the health and rights of local residents, and in line with the United Nations Guiding Principles of Business and Human Rights (R120.163)*

68. The Niger adopted a national mining policy on 3 July 2020. The draft of the new mining code was validated during a workshop held in December 2020 and contains provisions aimed at better safeguarding the financial interests of the State vis-à-vis the interests of mining companies and at better protecting the environment and the health and rights of local residents. Of note, for example, is the establishment of a fund for the closure and reclamation of mining sites, reform of the tax regime, the creation of a mining development fund and the establishment of a mining police force to combat fraud and poor governance in the mining sector.

- (c) *Guarantee access to justice for the most vulnerable populations and ensure that members of the security forces who are responsible for violations of human rights are prosecuted (R120.126)*

69. Justice is freely accessible to all, without charge. Vulnerable persons, namely women, children and persons with disabilities, receive special treatment. Members of the security forces who are found to be responsible for violations are subject to legal proceedings regardless of their position. Several prosecutions took place between 2016 and 2020.

4. Civil and political rights

- (a) *Amend the Criminal Code by abolishing the death penalty (R120.80)*

70. See paragraphs 40 and 41, above.

- (b) *Consider taking steps to establish a de facto and de jure moratorium on the death penalty (R120.79 and R120.81)*

71. The Niger is a de facto abolitionist country, pending de jure abolition. The death penalty, although still on the statute books, has not been applied since 1976. Death sentences handed down by the courts are systematically commuted to life imprisonment. Even better, in the United Nations, the Niger votes every two years in favour of the moratorium.

- (c) *Introduce provisions in the Criminal Code criminalizing acts of torture and establish a national preventive mechanism in line with the Optional Protocol to the Convention against Torture (R120.85, R120.86, R120.127)*

72. Act No. 2020-02 of 6 May 2020 establishing the national preventive mechanism under the National Human Rights Commission and Act No. 2020-05 of 11 May 2020 criminalizing acts of torture were adopted to implement these recommendations.

- (d) *Establish a specialized body on penitentiary administration and establish an independent national mechanism for the inspection of detention centres (R120.87)*

73. This body was set up by Act No. 2017-09 of 31 March 2017, which established the autonomous statute for prison administration staff. The first class of 132 students is now approaching the end of their training.

74. The function of an independent mechanism for inspecting detention centres has been assigned to the National Human Rights Commission, which is empowered to make unannounced visits to all places where persons are detained.

- (e) *Further strengthen national legislation to combat trafficking in persons (R120.110, R120.117, R120.119 to R120.124)*

75. The National Commission for Combating Trafficking in Persons and Illegal Trafficking of Migrants has just drawn up its first national action plan to combat the smuggling of migrants, which it will soon submit to the Government for adoption. The plan consists of six main themes, the first of which is the improvement of the criminal system in fighting against the smuggling of migrants. The strategic objective of this theme is to bring the national legal framework into line with regional and international standards relating to the smuggling of migrants and human rights. The plan calls for a number of actions, including the protection of the rights of migrants and their families.

76. When drawing up the second national action plan to combat trafficking in persons, the Commission planned to do the same in respect of trafficking in persons.

- (f) *Ensure full respect for the right to freedom of expression and media freedom by preventing all harassment and undue detention of journalists and civil society activists (R120.135)*

77. The Niger is one of the few countries that has prohibited prison sentences for press offences and it was the first to sign the Declaration of Table Mountain. There are currently no journalists or civil society activists in detention. Those who have been in detention were prosecuted for ordinary offences and fully benefited from the guarantees of the right to a defence and to a fair trial.

- (g) *Respect freedom of expression and association, both online and offline, particularly leading up to the elections scheduled for this year (2016), and release political detainees (R120.136)*

78. During the 2016 elections no restrictions on freedom of expression or association were imposed by the Government. There were no political prisoners. There is a distinction to be made between politicians detained for common offences and political prisoners, who are any persons detained for political offences.

- (h) *Protect human rights defenders and ensure that they are able to carry out their work free from harassment and intimidation (R120.137 to R120.139)*

79. A draft law, in line with international standards, was drawn up in September 2020 together and in partnership with civil society organizations and is at an advanced stage in the adoption process.

5. Economic, social and cultural rights

- (a) *Take the necessary measures to eradicate child labour, street life, begging, family violence, trafficking in children and the problems of children in armed conflict and sexual exploitation of children (R120.112, R120.115, R120.119)*

80. The Government has developed a National Gender-based Violence Prevention and Response Strategy and its five-year action plan for the period 2017–2021, which aims to reduce the prevalence rate of gender-based violence in the country from 28.4 per cent to 15.4 per cent by 2021.

81. As for child labour, it is strictly prohibited by the laws and regulations on employment. The use of children in armed conflict and their sexual exploitation are also prohibited and are subject to criminal penalties. Labour inspectors and the defence and security forces monitor compliance with these provisions.

82. As part of the effort to address problems in protecting children, the Government has taken numerous measures of different kinds, including the adoption of a National Plan of Action to Combat Child Labour (2017–2021); the continued implementation of a policy framework for the protection of children against violence, abuse and exploitation; and the establishment of several social services for the prevention, promotion and protection of children, which provide care for children at risk and/or victims of violence, abuse or exploitation in general, and for street children, and specifically for Talibé children.

(b) *Include human rights education in all curricula and school systems (R120.159)*

83. Human rights education has always been part of the curriculum in the Niger. Human rights concepts are taught through subjects such as “civic and moral instruction” at the primary level, “civics” at the secondary level and “human rights” in non-formal education. What is more, as part of the reform of the curriculum, the State, working with the United Nations Development Programme, has developed three teaching modules for human rights. Pedagogical supervisors have been trained in the use of these tools, whose content is covered under a classification entitled “citizens’ rights and duties”, which is one of the 16 classifications of case studies.

(c) *Continue its efforts to improve people’s lives and promote economic and social development (R120.142)*

84. The economic development of the Niger is in line with the Agenda 2063 framework of the African Union. A long-term development strategy called the Sustainable Development and Inclusive Growth Strategy was adopted on 9 May 2017. It has served as a basis for the development, adoption and implementation of the Economic and Social Development Plan (2017–2021), which was itself adopted on 29 September 2017, along with its priority action plan for 2017–2021.

85. The results of implementation of the Economic and Social Development Plan can be evaluated by observing how poverty indicators have evolved. Generally, there has been a clear improvement in all poverty indicators. The national poverty rate fell from 48.2 per cent in 2014 to 40.8 per cent in 2018–2019, a decrease of 7.4 percentage points. This decline is the result of sustained economic growth in recent years. The poverty gap, a measure of the average gap between the poor population’s consumption level and the poverty line, has also fallen significantly at the national level, from 13.2 per cent in 2014 to 11.2 per cent in 2018–2019. The poverty severity index, which provides information on the differences in the intensity of poverty among the poor, with a focus on the poorest of the poor, has also declined sharply. It was 12.3 per cent in 2005, then 8.4 per cent in 2007–2008, and subsequently 9 per cent and 5.5 per cent in 2011 and 2014, respectively; it was 4.3 per cent at the national level in 2018–2019.

(d) *Improve the infrastructure of the health care system throughout the country and increase the access of women and girls to health facilities, family planning and sexual health services, and reduce infant mortality (R120.151)*

86. The Government has continued its efforts to increase health coverage and to provide free caesarean sections, antiretroviral drugs and treatment of diseases such as malaria for pregnant women and children under 5 years of age. Services are currently provided in the public sector by a network of health-care institutions at all levels, which include 1,063 integrated health-care centres, 2,401 health huts, 38 district hospitals, 7 regional hospital centres, 7 mother and child health centres, 5 regional blood transfusion centres, 5 national hospitals, 1 central referral maternity unit and 10 national referral centres.

87. There are 348 private establishments, including 52 clinics and polyclinics, 71 health clinics, 41 doctors’ practices and 179 treatment rooms, 2 private, non-profit hospitals, 2 private centres specializing in ophthalmology and orthopaedic traumatology and a private religious hospital.

88. This increase in health infrastructure has had an impact on health coverage, which rose from 48.33 per cent in 2016 to 50 per cent in 2018, according to the results of the annual sectoral review.

(e) *Adopt the implementing decrees of the ordinance on pastoralism, guaranteeing the protection of land rights and take concrete steps to increase the protection of the rights of pastoralists (R121.2)*

89. To strengthen the legal protection of farmers’ rights, five decrees implementing Ordinance No. 2010-29 of 20 May 2010 were adopted between 2013 and 2019.

6. Specific rights (women, children, persons with disabilities, migrants)

- (a) *Conduct an awareness-raising and educational campaign among the populations with a view to eliminating all the sociocultural barriers which impede the full enjoyment of the rights of women (R120.72)*

90. An awareness-raising and education campaign was conducted for the public through the continued implementation of the Illimin (knowledge for dignity) initiative for adolescents. Thus, through safe spaces and life skills knowledge, reproductive health and family planning is taught to adolescent girls to allow them to responsibly manage their fertility and also to help maintain a supportive local environment, with community involvement.

91. As part of the implementation of the Sahel Women's Empowerment and Demographic Dividend (SWEDD), a regional project, Future Husbands' Clubs were set up in five of the country's regions to develop boys' and young men's knowledge and skills relating to sexual and reproductive health and to nurture positive attitudes towards gender relations. The project targets 10,000 boys and young men between the ages of 15 and 24 who have not been married and are not in school, through the establishment of 800 clubs, over a three-year period.

- (b) *Increase efforts to prevent sexual and gender-based violence, especially with regard to groups at risk, such as refugee girls, and reduce gender inequalities through urgent improvements in legislation and educational programmes (R120.66, R120.91 and R120.92)*

92. In general, there is no discrimination between students, and specifically, there is none against refugee girls. Better still, the State has set up schools at reception centres for displaced persons in order to ensure equal opportunities for the children there. Moreover, it is in this spirit, and having become a party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), that the Internally Displaced Persons Protection Act was adopted on 10 December 2018.

- (c) *Ban by law the practice of wahaya (R120.38, R120.100, R120.102, R120.103)*

93. The practice of wahaya is a form of slavery and is punished as such under Act No. 2003-25 of 1 June 2003, which amended the Criminal Code to include the offences and crimes of slavery.

- (d) *Step up measures through legislation, policies and programmes to promote the rights of women, and protect them from being victimized by any forms of slavery, abuse or other harmful cultural practices (R120.93, R120.100, R120.102)*

94. The following actions have been carried out:

- The adoption of the new National Gender Policy in 2017 and its action plan
- Adoption in 2019 of a decree on protection, assistance and support for girls attending school
- Amendment, in 2019, of the law establishing the quota system to increase the rate of female representation from 15 per cent to 25 per cent for elected positions and from 25 per cent to 30 per cent for appointed positions
- Adoption of the fistula eradication strategy
- Drafting and implementation of a national action plan for United Nations Security Council resolution 1325 (2000) on women and peace and security
- The establishment of the National Observatory for Gender Promotion
- Adoption in August 2017 by the National Assembly of the law ratifying the Statute of the Women Development Organization of the member States of the Organization of the Islamic Conference
- Establishment of the national cell of the G5 Sahel Women's Platform and of regional offices

(e) Strengthen awareness-building and training of women for public office

95. As a prelude to the 2020–2021 general elections, the Ministry for the Advancement of Women and Protection of Children and several non-governmental organizations have undertaken a campaign to sensitize and train women in political participation in the country's eight regions. The aim is to promote the political participation of women, who represent 55 per cent of registered voters, in decision-making bodies.

(f) Adopt a family code that ensures equal rights between men and women and protects girls from early and forced marriage (R120.102, R120.111, R120.130 to R120.133)

96. A draft of this code was drawn up in 2011 and since then there have been several attempts to adopt it. They have run up against the categorical rejection of a certain section of the population, who consider it to be contrary to religious precepts.

(g) Enhance the protection of migrants and refugees by implementing the law on human trafficking and enhancing the operational capacities of the National Refugee Eligibility Commission and the National Agency for Combating Trafficking in Persons and Illegal Trafficking of Migrants (R120.162)

97. These two bodies have been strengthened in terms of both human and material resources and financial means, with support from numerous technical and financial partners.

(h) Promote awareness campaigns and adaptive policies to eliminate child, forced and early marriage (R120.130)

98. In respect of the campaign against early marriage, while there is still no specific law against this harmful practice, several measures of different types have been taken, including the following:

- Continued implementation of the Policy for Protecting Children against Abuse, Violence and Exploitation
- Development of a national strategic plan to end child marriage
- Adoption in 2019 of a decree on the establishment, responsibilities, organization, composition and functioning of national and local child protection committees
- Adoption in 2017 of the National Gender-based Violence Prevention and Response Strategy
- Organization of awareness-raising activities by the Association of Traditional Leaders of the Niger
- Organization in 2019, in Maradi, of a national forum for awareness-raising and advocacy on the subject of child marriage

(i) Ensure free access to education for all children without discrimination and increase enrolment, literacy and completion rates and ensure the equal right to quality education for young mothers and married girls (R120.157, R120.160)

99. The guarantee of free access to education and non-discrimination in the right to education are enshrined in Act No. 98-12 of 1 June 1998, the Act on the Education System in the Niger.

100. Implementation of the Act led the State to adopt some innovations in the field of education to ensure inclusion, such as bridging classes, second-chance schools and alternative education centres. Such innovations helped to substantially increase the enrolment rate, which rose from 72.3 per cent in 2014 to 74.8 per cent in 2017. The completion rate increased from 59.8 per cent to 65.8 per cent during the same period. The literacy rate, which was 28.4 per cent in 2014, increased significantly, to 33 per cent in 2018–2019.

101. With regard to the equal right to quality education for young mothers and married girls, the State has adopted a number of texts guaranteeing that young girls have access to and are retained in school. A decree of 5 December 2017 on protection, assistance and support

for girls attending school and its implementing ordinance, of 4 February 2019, address this question.

- (j) *Better integrate the concerns of older persons and persons with disabilities into public policy (R120.52)*

102. The Niger is aware that older persons and persons with disabilities are in the category of vulnerable persons. This is why they are taken into account in all public policies, particularly in the National Social Welfare Policy. The Government has initiated the ratification process for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons.

B. Challenges and constraints

103. Despite all the efforts made by the Government, sociocultural, economic and security constraints have a negative impact on the effective realization of certain rights and hence on the implementation of certain recommendations. Since February 2015, the country has had to face security threats owing to its proximity to some neighbouring States that are hotbeds of tension. In order to combat these threats, which leave many military and civilian families in bereavement, the Government has been forced to divert a large part (over 17 per cent) of the national budget to security, to the detriment of basic social services.

104. In addition, there are social and cultural hurdles that hamper the Government's efforts to implement certain rights, particularly in the sensitive area of family law. The withdrawal of the reservations to the Convention on the Elimination of All Forms of Discrimination against Women, the abolition of the death penalty and the adoption of the family code have met with fierce resistance from some of the population. The Government is making efforts to win them over, in order to secure the support of all, so as to avoid serious disturbances with unforeseeable consequences.

C. Good practices

105. Good practices can be summarized as follows:

- Establishment of the Interministerial Committee for drafting reports to treaty bodies and the universal periodic review
- Submission of the recommendations produced during the universal periodic review to all stakeholders
- Preparation of an action plan for the implementation of universal periodic review and treaty body recommendations
- Preparation of a midterm report on implementation of the recommendations
- At all stages, involvement and consultation of civil society organizations, parliamentarians, technical and financial partners and the national human rights institution

V. Human rights priorities, initiatives and commitments

A. Priorities

106. The Niger has adopted its second Economic and Social Development Plan, for 2017–2021, which sets the following strategic intervention themes as priorities:

- Theme 1: Cultural revival
- Theme 2: Social development and demographic transition
- Theme 3: Acceleration of economic growth

- Theme 4: Improved governance, peace and security
- Theme 5: Sustainable environmental management

B. Initiatives

107. To improve the effectiveness of human rights, the Niger has developed initiatives that include the establishment of new bodies, the adoption of sectoral policies and the improvement of the country's legal framework and its alignment with international standards.

C. Commitments

108. In order to meet the challenges involved in promoting and protecting human rights, taking into account the national and international situations, the Niger undertakes to implement the accepted recommendations published with the presentation of this report.

VI. Needs

A. Capacity-building

109. In order to ensure better follow-up to implementation of the concluding observations and recommendations of the treaty bodies and the universal periodic review mechanism, it is imperative to build the capacity of the various actors. It is thus necessary to strengthen the capacity of government bodies, civil society, national human rights institutions and members of the media to make use of mechanisms for the implementation and evaluation of recommendations and concluding observations.

110. The elaboration and implementation of public policies based on a human rights approach require continuous training of those involved.

111. In order to deal with the unavailability of human rights statistics for State reports, it is necessary to recognize the need to set up a system of data collection and analysis at the national and decentralized levels. In view of the role they are called upon to play in promoting and protecting human rights, the National Human Rights Commission and civil society organizations should be given particular attention with regard to capacity-building and technical assistance. In view of the challenges linked to the consolidation of the rule of law and the strengthening of social cohesion, it is necessary to educate the public and raise awareness about national and international mechanisms, including by disseminating information on the main instruments.

B. Technical and financial assistance

112. To ensure the broad dissemination of the recommendations produced during the third cycle, the Interministerial Committee for drafting reports to treaty bodies and the universal periodic review plans to organize workshops and to translate the recommendations into the national languages, for the benefit of the public. The formulation and implementation of a new implementation plan will also require substantial financial resources. Increased budgetary support will thus enable the Niger to make great strides in the fulfilment of its international commitments.

Conclusion

113. Despite the security, economic and sociocultural constraints, the Niger has clearly made significant efforts that have made it possible to realize and enjoy human rights through the adoption of numerous texts, policies and programmes. Important challenges remain, however, and that is why we call on the international community to support our actions aimed at preventing and punishing violations of human rights and international humanitarian law.

114. Accordingly, the international community is called upon to increase support for the Niger in its efforts to further mainstream human rights in public policies; such projects will have to be accompanied by a proper plan for the dissemination of a human rights culture and education among the public as a whole.

115. The Niger once again reaffirms its support for the universal periodic review and reiterates its readiness to receive recommendations that will enable it to improve the human rights situation in the country.
