**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report**

**Universal Periodic Review:**

***2nd Cycle, 24th Session***

# NIGER

## I. BACKGROUND INFORMATION

Niger succeeded to the *1951 Convention relating to the Status of Refugees* in 1961, following its independence, and ratified the *1967 Protocol relating to the Status of Refugees* in 1970 (hereinafter jointly referred to as the *1951 Convention*). Moreover, Niger ratified the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* (the *OAU Convention*) in 1971. Niger also acceded to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) in November 2014[1] and to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) in 1985, with reservations in respect of Articles 11, 14 and 15.[2] In addition, Niger ratified the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the *Kampala Convention*) in 2012.

[1] A recommendation to accede to the *1954 Convention relating to the Status of Stateless Persons* was made by Slovakia during the 1st cycle UPR examination of Niger and enjoyed the support of Niger. See: Report of the Working Group of the Universal Periodic Review: Niger, A/HRC/17/15, 21 March 2011, para. 76.2 (recommended by Slovakia), available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/06/PDF/G1112306.pdf?OpenElement.

[2] Article 11 concerns the establishment of a body to which a person claiming the benefit of the *1961 Convention* may apply for the examination of his claim and for assistance in presenting it to the appropriate authority; Article 14 concerns the submission of disputes between Contracting States to the International Court of Justice; and Article 15 concerns the application of the *Convention* to non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any Contracting State is responsible. See: UN General Assembly, *Convention on the Reduction of Statelessness*, 30 August 1961, United Nations, Treaty Series, vol. 989, p. 175, available at: http://www.refworld.org/docid/3ae6b39620.html.

The key legislative act regulating asylum in Niger is the *Loi n° 97-016 du 20 juin 1997 relative au statut des réfugiés* and its *décret d'application n° 98-382/PRN/MI/AT* from 24 December 1998.

UNHCR opened a country representation in Niger in 2012 due to the Mali crisis and signed an "Accord de Siège" in 2014. UNHCR is present in the main refugee hosting regions: Niamey, Tahoua, Tillabery, Diffa and has recently opened a sub-office in Zinder to support the Diffa operation. UNHCR had access to all refugee hosting areas until February 2015. Since then, access in Diffa region is restricted due to the prevailing security situation.

As of 1 June 2015, Niger hosted 50,983 registered Malian refugees, an estimated 100,000 displaced persons (Nigerian refugees and undocumented Niger nationals) from Nigeria and 364 recognized refugees from various other nationalities. In addition, Niger hosted 125 asylum-seekers. Since 2013, an estimated 70,000 Niger nationals have returned from North-Eastern Nigeria to Diffa region in Niger due to the violence in North-Eastern Nigeria. This population is living in an internal displacement-like situation. The attacks of Boko Haram on Niger territory in February 2015 led to internal displacement in Diffa region and towards the neighboring regions, yet official numbers of internally displaced persons (IDPs) are not yet available.

**Malian refugees:** The *ARRETE N°142/MI/SP/D/AR/DEC-R* of 6 March 2012 accords *prima facie* refugee status to Malians who are victims of the armed conflict in Northern Mali. As a result, Malian refugees are recognized automatically after a short screening to confirm their nationality. Malian refugees are hosted in three refugee camps in Tillabery region, two vast refugee-hosting zones for nomadic refugees in Tahoua region and in urban areas (mainly Niamey and Ayourou).

**Nigerian refugees:** The *ARRETE N°806/MI/SP/D/AC/R/DEC-R* of 4 December 2013 accords temporary refugee protection status to Nigerian citizens from the North-East of Nigeria (Borno, Yobé and Adamawa States). So far, the majority of Nigerian refugees are hosted in an out-of-camp situation. However, since the end of 2014, the first refugee camps are being set up.

**Other nationalities:** Asylum-seekers of other nationalities follow an individual refugee status determination (RSD) procedure that is led by the Commission nationale de l'éligibilité au statut de réfugié (CNE). The majority of asylum-seekers and individually recognized refugees are from Western and Central Africa, with a growing number of asylum-seekers from the Central African Republic. This category of asylum-seekers and refugees settle in urban areas, the large majority in the capital of Niger, Niamey. In addition, a small number of Chadian refugees who were recognized on a *prima facie* basis more than twenty years ago continue to reside in Niger.

**Niger citizens returning from Nigeria:** A significant number of Niger citizens were living in North-Eastern Nigeria for socio-economic reasons. The violence in North-Eastern Nigeria forced many Niger citizens to flee Nigeria along with Nigerian refugees seeking refuge in Niger. The returning Niger citizens (who mainly originate from Diffa region, and in many cases, had been living for decades in Nigeria), now find themselves in an IDP-like situation. They are being hosted in an out-of-camp approach with reintegration initiatives.

**Internally Displaced Persons:** The first Boko Haram attacks on Niger territory in February 2015 caused internal displacement of the inhabitants of the affected border towns. While determination of the official numbers of displaced is still pending, UNHCR has indicated to the Government its readiness to assist IDPs.

**Stateless Persons:** Statelessness concerns in Niger arise in the context of the Diffa situation. Amongst the mixed influx of Niger citizens and Nigerian citizens seeking refuge from the violence in North-Eastern Nigeria, about 80 per cent do not possess any ID documents. Two aspects further aggravate the risk of statelessness: a) Ethnic and cultural similarities on both sides of the border, and b) weak administrative structures in both Niger and Nigeria that have been unable for decades to issue birth certificates and other relevant ID documents. Other groups at risk of statelessness are currently being identified.

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

**Refugees:**
Since the Mali crisis and the increasing violence in North-Eastern Nigeria, the Republic of Niger has become a major refugee-hosting state in West Africa. Despite the fragile security situation in the sub-region, Niger has maintained an open-door policy for refugees, notably from Mali and Nigeria. UNHCR commends the Republic of Niger for its demonstrated will and commitment to meet international standards in the field of refugee protection.

Niger's *Loi n° 97-016 du 20 juin 1997 relative au statut des réfugiés* contains fundamental principles for the protection of refugees:

- It defines the procedures to access refugee status through individual refugee status determination and guarantees protection against *refoulement*. The law allows for *prima facie* recognition in case of mass influx situations. By granting *prima facie* refugee status to Malians since 2012, the Government has guaranteed rapid and effective access to international protection for this refugee group. Moreover, by according temporary refugee protection status to Nigerian citizens from the North-East of Nigeria since 2013, access to the territory and to assistance was guaranteed in a similar, but temporary manner, for Nigerian refugees.

- The law allows for refugees' access to economic activities on the same basis as foreigners with the most preferential treatment and provides that refugees should receive the same treatment as Niger nationals in terms of education, health services, shelter, security and freedom of movement. UNHCR commends the national authorities for the favourable protection environment for recognized refugees in Niger created through the implementation of these provisions.

With regards to durable solutions, the nationality law of Niger[3] allows persons who have resided in Niger for more than ten years the possibility to apply for naturalization, with the final

[3] Art. 25 of the *Ordonnance n° 84-33 portant code de la nationalité nigérienne* of 23 August 1984.

decision to be taken by the Head of State, the President of the Republic. The *Loi n° 97-016 du 20 juin 1997 relative au statut des réfugiés* mentions the principle of voluntary return. The Republic of Niger supports refugees in finding durable solutions:

- With regards to Malian refugees, Niger, Mali and UNHCR concluded a tripartite agreement in 2014 that serves as a framework for voluntary return in safety and dignity.
- With regards to Rwandan refugees, Niger invoked the cessation clause in 2014, offering Rwandan refugees the possibility of naturalization, voluntary return, permanent residence or the application for exemption from cessation.
- With regards to other long-standing refugee situations, Niger and UNHCR are also working on comprehensive solutions strategies.

The Niger Government is currently restructuring the administrative body responsible for refugee matters, making it a "General Directorate" with a number of distinct departments responsible for different refugee-related matters. This reform process reflects the growing importance of refugee matters in Niger. UNHCR expects that this will facilitate the decision-making procedures and will have a positive impact on the effectiveness of response on the ground.

**Internally Displaced Persons:**

In 2012, Niger ratified the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the *Kampala Convention*). With the recent emergence of conflict-related internal displacement, this provides an important legal basis for IDP protection.

**Statelessness:**

By acceding to the *1954 Convention relating to the Status of Stateless Persons* in 2014, Niger has implemented a recommendation of the 1st UPR cycle and shown its political will to address statelessness issues.[4] UNHCR congratulates the Republic of Niger for its accession to the *1954 Convention*, which is an important step forward and provides an opportunity for further reviewing the national framework for nationality matters, with the aim of preventing statelessness and providing for effective mechanisms to resolve statelessness risks/situations, as well as identifying and protecting stateless people. UNHCR commends Niger for the amendments to the nationality law adopted last year to achieve full gender equality in nationality matters, in accordance with the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *1961 Convention*.

**Other legislation influencing the protection environment for persons of concern:**

During the 1st cycle of the UPR in 2011, Niger endorsed recommendations on improving its legislation, policy and practice on gender equality and on prevention and response to gender-

[4] A recommendation to accede to the *1954 Convention relating to the Status of Stateless Persons* was made by Slovakia during the 1st cycle UPR examination of Niger and enjoyed the support of Niger. See: Report of the Working Group of the Universal Periodic Review: Niger, A/HRC/17/15, 21 March 2011, para. 76.2 (recommended by Slovakia), available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/06/PDF/G1112306.pdf?OpenElement.

based violence, child protection, human trafficking and slavery (see Annex below for a selection of these recommendations).

Regarding gender equality, in November 2014, Niger revised the nationality law. Foreign men married to Nigerien woman can now access Nigerien nationality within the first year of marriage, while before only foreign women married to Nigerien men had this possibility. Moreover, dual nationality is now allowed.

With regards to slavery and human trafficking, the Nigerien Government invited the UN Special Rapporteur on contemporary forms of slavery to visit Niger, which took place from 11 - 21 November 2014. While the existence of slavery-related practices have been observed (including the phenomenon of "Wahaya" or fifth wife, discrimination against persons considered to be descendants of former slaves, and modern forms of slavery such as domestic work by minors, begging by minors and human trafficking), the Government has shown willingness to address these issues. The law against trafficking[5] defines exploitation as including slavery or practices similar to slavery, sexual exploitation, exploitation of begging and forced labour. A national commission and an agency against human trafficking were established in 2012. In addition, Niger adopted a law against people smuggling in May 2015.

The above mentioned *Ordonnance 2010-86* on trafficking prohibits some of the worst forms of child labour. Moreover a platform on the prevention and reduction of child labour in agriculture has been created by *Arrêté N°042/MAG/CAB* of 23 March 2015. With regards to child protection, it should further be noted that Niger ratified in March 2012 the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*.

## III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

### Issue 1: <u>Documentation of Nigerian refugees and returning nationals</u>

Niger has, due to security considerations, adopted a temporary protection scheme for Nigerian refugees from Borno, Yobé and Adamawa States, instead of opting for *prima facie* recognition. The temporary protection scheme is *de facto* similar to a *prima facie* recognition. Displaced persons from Nigeria, who claim to be Nigerian citizens, can request asylum in Niger. After the verification of their nationality by the CNE and a joint CNE/UNHCR screening process, the temporary protection status is granted and the concerned individuals enjoy the same rights as otherwise recognized refugees.

However, as a result of the settlement of refugees and returning Nigerien citizens in more than 150 villages in Diffa region and due to the fact that about 80 per cent of the displaced do not possess ID documents to distinguish Nigerian refugees from Nigerien returning citizens, the registration and documentation of the displaced is challenging. The complex security situation in Diffa region further complicates the situation. In addition, the CNE, established under the

[5] The Ordonnance 2010-86 of December 2010 "relative à la lutte contre la traite des personnes."

competence of the Ministry of Interior, does not have sufficient human resources to swiftly address the significantly increased number of Nigerians seeking protection in Niger. Consequently, there is a substantial backlog in the registration and documentation of the displaced population. Out of an estimated 30,000 Nigerian refugees, only 3 per cent went through the eligibility and nationality determination process described above and received documentation. The systematic provision of documentation of Nigeriens returning from Nigeria has not yet begun. The lack of documentation is a potential protection risk, particularly in a tense security context.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Continue to enhance the implementation of the temporary protection scheme for Nigerian refugees in line with international standards and ensure the quality and efficiency of Government screening procedures;
- Increase the number of eligibility staff and ensure that persons of concern are treated fairly, efficiently and without discrimination when seeking protection and that they receive adequate documentation in a reasonable timeframe;
- Conduct capacity building for authorities involved in eligibility procedures and equip the Commission nationale de l'éligibilité with necessary legal materials and technical resources to fairly and efficiently handle refugee claims; and
- Systematically register Nigerien citizens returning from Nigeria and provide documents for persons who do not possess identity documents.

**Issue 2: <u>Humanitarian and civilian character of asylum</u>**

In Niger all official refugee camps and "zones d'acceuil" for Malian and Nigerian refugees are located at a distance of more than 50km from the border. This has helped to protect the humanitarian and civilian character of asylum. In the few cases of suspected combatants that have been reported, the Nigerien authorities took appropriate measures.

In the Diffa region, however, a large number of the displaced (refugees and Nigerien citizens returning from Nigeria) are settling in local villages and spontaneous sites, many of which are close to the border with Nigeria. In this context, the potential presence of combatants or armed groups among the displaced and the risk of forced recruitment are major concerns for UNHCR.

**Recommendation:**
UNHCR recommends that the Government of Niger:

- Further elaborate the mechanisms for the identification of combatants or people associated with armed groups and their separation from civilians, in line with UNHCR's *Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*[6] and with the principles of international humanitarian law and human rights law.

[6] UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, available at: http://www.refworld.org/docid/452b9bca2.html.

**Issue 3: <u>The national law on refugee status</u>**

As mentioned above, the main refugee legislation in Niger dates to 1997 and 1998. Since then, both the international discussions and guidelines on refugee matters and the refugee situation in Niger have evolved substantially. Consequently the refugee legislation requires amendment.

For example, the *Loi n° 97-016 du 20 juin 1997 relative au statut des réfugiés* remains silent on some aspects of international protection, such as the principle of family unity, procedural guarantees, derivative procedures, procedures for unaccompanied and separated children (UASC), the withdrawal and abandonment of a claim, reception facilities and assistance, non-penalization, detention and confidentiality. While Niger does strive to integrate these aspects in practice, a clear legislative basis would be desirable.

The *décret d'application* of the national refugee law provides for UNHCR's observer status in the Commission nationale de l'éligibilité. However, UNHCR's observer status in the appeals procedure is not mentioned and so UNHCR is not invited to the meetings of the appeal panel.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Conduct an in-depth analysis of the existing refugee legislation; and
- Revise the refugee legislation in order to reflect global and national developments and to provide a more detailed legal basis for refugee matters in Niger.

**Issue 4: <u>Naturalization of refugees</u>**

47 refugee households of Chadian, Rwandan, Ivorian, Congolese (DRC), Congolese (Republic of Congo), Sudanese and Togolese nationality have been in Niger for more than 10 years and are well integrated on a socio-economic level. As this group's interest in repatriation is very low, the best durable solution for many protracted refugees in Niger would be naturalization.

Niger's legislation (Art. 25 of the *Ordonnance n° 84-33 portant code de la nationalité nigérienne* of 23 August 1984) allows for naturalization requests after at least ten years of residence in the country, with the final decision being at the discretion of the president. In 2014 and 2015, 6 refugee households (4 Rwandan households, 1 Ivorian and 1 Cameroonian household) have introduced a naturalization request. In 2015, a growing number of naturalization requests from refugees are expected as comprehensive solutions strategies for long-term refugees are being developed. However, the treatment of naturalization requests seems to take an unreasonably long period of time (more than a year) and the outcome remains uncertain.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Effectively implement the national citizenship legislation that facilitates the naturalization of refugees who wish to become citizens of Niger;
- Pay special attention to naturalization requests from refugees in order to ensure the timely processing of these requests; and
- Develop a local integration strategy and action plan based on the identified needs of refugees.

**Issue 5: <u>Non-discrimination and sexual and gender-based violence</u>**

During the 1st cycle of the UPR, Niger accepted recommendations to improve its legislation, policy and practice on gender equality and on prevention and response to gender-based violence. Despite efforts in this field, prevention and response measures need to be further strengthened.

Although Niger is a party to the *Convention on the Elimination of All Forms of Discrimination against Women* (the *CEDAW*), it maintains reservations to Articles 2(d) and (f); 5(a); 15(4); and 16(1)(c),(e) and (g).[7] During its 1st cycle UPR, Niger received several recommendations to lift these reservations.[8] In 2014, the NGO National Democratic Institute conducted in cooperation with the Ministère de la Population, de la Promotion de la Femme et de la Protection de l'Enfant a study on the implementation of the *CEDAW*. A communication plan for the withdrawal of at least 2 reservations was elaborated on the basis of the study, but the reservations have not yet been withdrawn. In relation to gender equality, it should further be noted that discussions on a family code or code on personal status have been ongoing for many years, and as yet no consensus has been reached.

Regarding non-discrimination in education, Niger's *Constitution* stipulates in Article 2 that education is a right of each Nigerien citizen and the State guarantees education for children from 4 to 18 years. At the same time, however, the *Circulaire No 047/MEN/DEST/EX of 15 November 1975 « portant sur les cas de maternité »* instructs school masters to exclude girls from secondary or technical schools when they become pregnant in the first years of secondary education (complete exclusion) or the last years of secondary education (temporary exclusion until the child is born). *Décision No 65/MEN/DEST/EX of 10 July 1978* further specifies that the latter category of girls can only finalize their studies after childbirth if they are not married. The continuation of the application of these provisions by some institutions prevents the affected girls from fully enjoying their right to education.

Niger's *Penal Code* (Chapter VIII) explicitly prohibits violence against women, including rape and spousal abuse. However, early or forced marriage is not banned by the national legislation.

[7] The reservations concern abolishment of discriminatory traditional practices, the right of married women to choose their residence, and equal rights during marriage and upon its dissolution. The text of the reservations is available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec.

[8] See: i.e. paras. 78.9 (recommendation by Canada) and 78.10 (recommendation by Norway), Report of the Working Group of the Universal Periodic Review: Niger, A/HRC/17/15, 21 March 2011, available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/06/PDF/G1112306.pdf?OpenElement.

Given the strong prevalence of culture and tradition, women and children are generally in need of specific protection. Capacity building for all relevant stakeholders is essential to enhance the protection of women and children.

We wish to note that displacement carries with it a heightened risk of exposure to SGBV, and that displaced girls and women are at disproportionate risk in this regard. Due to the emergency situation in Diffa, the risk is particularly high in this region. Over 100 incidents of SGBV were identified in the refugee camps, zones d'accueil and urban areas in 2014 (mainly domestic violence and early marriage). However, it is estimated that many more cases go unreported due to cultural and traditional factors.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Improve implementation of the SGBV prevention and response mechanisms by capacitation of relevant State actors;
- Ban early or forced marriage by law;
- Lift the reservations made with regards to the *CEDAW*;
- Revise the regulations that exclude pregnant or married girls from school; and
- Adopt a family code or code on personal status that ensures non-discrimination.

**Issue 6: <u>Internally displaced persons</u>**

While the Government of Niger ratified the *Kampala Convention* in 2012, a national legal framework specifically relating to IDPs in Niger does not yet exist.

In February 2015, the insurgent attacks in Diffa region and the insecurity in some areas of the region, such as Bosso and the islands of Lake Chad, have caused significant displacement. According to estimates, close to 50,000 Niger nationals were forcibly displaced, mainly within Diffa region. Some areas have remained "no go zones," including the islands of Lake Chad. Access to the affected persons remains a major challenge.

In order to address this relatively new phenomenon of conflict-related internal displacement in Niger, several measures are required. UNHCR stands ready to assist the Government of Niger with regards to the protection of internally displaced persons.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Apply international standards on IDP protection, as outlined in the *Kampala Convention* and other relevant treaties;
- Step up efforts aimed at adopting a national law on internal displacement and enhance current protection for IDPs and the civilian population in conflict-affected areas;
- Provide access and protection to displaced populations by improving the situation of IDPs while actively seeking and facilitating their voluntary return in safety and dignity for those of the displaced originating from areas deemed to be safe;

- Mainstream IDP protection and assistance into national social and protection systems and into national and regional development plans; and
- Organize awareness and training sessions for civil and military authorities on the rights of IDPs, including under the UN *Guiding Principles on Internal Displacement* and the *Kampala Convention*.

**Issue 7: <u>Prevention and reduction of statelessness</u>**

Niger's accession to the *1954 Convention* in 2014, and its prior accession to the *1961 Convention* in 1985, demonstrates the political will of the Government of Niger to identify and protect stateless people and prevent and resolve statelessness issues. Niger also signed the *Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness* on 25 February 2015 and committed to the furtherance of their efforts towards a policy of systematic registration of births and a reliable system of birth records.

Some existing statelessness risks have already been identified. Firstly, the majority of persons of Nigerien origin fleeing Nigeria to Niger may be at risk of statelessness arising from lack of documentation proving their nationality, even though many may have a legitimate claim to Niger citizenship. Lengthy and convoluted administrative and legal procedures make it difficult to realize their rights and claims. Moreover, the institutional capacity to process thousands of claims does not exit.

While Niger has achieved full gender equity in its nationality law, some gaps still remain in the nationality law that may lead to statelessness. In particular, Niger does not have a full safeguard to ensure that children born on its territory who would otherwise be stateless acquire the nationality of Niger.

According to UNICEF, multiple efforts have raised the birth registration rate in Niger from 32 per cent in 2006 to 64 per cent in 2012. However, low previous birth registration rates and the current failure of many parents to register births may also be a cause of statelessness.

**Recommendations:**
UNHCR recommends that the Government of Niger:

- Undertake, in cooperation with specialized agencies, an extensive review of its national legislation relating to statelessness issues in order to identify areas that may need revision in order to fully comply with the *1954* and *1961 Conventions*;
- Address nationality and statelessness from a systemic perspective, seeking to put in place coherent initiatives on documentation and identity management that provide access to a nationality for all, both in theory and in practice, and that identify stateless persons and provide them with protection, including documentation, in accordance with the procedures required by the *1954 Convention relating to the Status of Stateless Persons*;
- Invest in civil registration (birth registration), in accordance with the commitment made at the Ministerial Regional Conference on Statelessness in West Africa in February 2015, as well as in electoral registration, national identity cards, border

management and other related initiatives that should be seen as part of the same system and coordinated accordingly to avoid duplication, incompatibility of systems and conflicting approaches;

- Conduct awareness campaigns on the *Statelessness Conventions* for key Government and parliamentary actors, civil society and universities;
- Assess protection needs and problems of stateless persons in practice; and
- Organize a national consultation on statelessness with Government, NGOs, academics and UN experts and establish a national action plan for Niger to end statelessness.

**Human Rights Liaison Unit**
**Division of International Protection**
**UNHCR**
**June 2015**

**Excerpts of Recommendations from the 1st cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedure mandate holders**

**- Universal Periodic Review:**

**NIGER**

We would like to bring your attention to the following excerpts from the 1st cycle Universal Periodic Review Reports, UN Treaty Monitoring Bodies' Concluding Observations and Recommendations from UN Special Procedures Mandate Holders' Reports relating to issues of interest and persons of concern to UNHCR with regards to Niger.

## I. Universal Periodic Review

Below is a list of recommendations of relevance to UNHCR made to Niger during the 1st cycle of the Universal Periodic Review. These are divided into three sections: recommendations accepted by Niger; recommendations rejected by Niger; and recommendations which were under the consideration of Niger. Niger's views and responses to recommendations are elaborated upon (and sometimes amended) in the Addendum. Information contained in the Addendum, which is of relevance to UNHCR, can be found here in italics.

**Report of the Working Group on the Universal Periodic Review, Seventeenth Session (25 March 2011) A/HRC/17/15**

76. **The recommendations formulated during the interactive dialogue listed below have been examined by Niger and enjoy the support of Niger:**

76.2 Ratify the 1954 Convention relating to the Status of Stateless Persons (Slovakia);

76.34 Develop and strengthen appropriate legislative measures to address the issues of trafficking, sexual abuse and sexual exploitation of children and take measures to ensure prompt prosecution of perpetrators of sexual offences against children (Malaysia);

76.37 Adopt a national action plan to combat slavery and human trafficking (Switzerland);

76.48 Accelerate the implementation of its new legislation and intensify its law enforcement efforts targeted at combating all forms of human trafficking and slavery (United States of America);

76.49 Continue its efforts in order to strengthen its legislation relating to human trafficking and the assistance mechanisms for these victims, as well as to guarantee the

proper investigation, trial and punishment of these conducts in light of international standards (Argentina).

76.50 Implement standard procedures to identify victims of human trafficking, establish a referral mechanism to facilitate the provision of protective services for them and dedicate financial or in kind support to NGOs providing services to victims (United States of America);

76.51 Strengthen the existing measures to combat child trafficking, forced labour, begging and sexual exploitations of children, including migrant children (Switzerland);

76.52 Pass and implement legislation aimed specifically at eliminating all forms of child labour (United States of America);

76.53 Adopt and implement a national plan of action to prevent and combat child labour (Poland).

78. **The following recommendations will be examined by Niger which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:**

78.33 Take measures to guarantee effective access to justice for victims of gender-based violence, to provide health and psychological support for victims and to provide protection for women that report cases of gender-based violence (Brazil).

*State's Reply in Addendum*

*21. L'Etat du Niger s'est doté d'un cadre juridique qui prend en compte les violences faites aux femmes et aux enfants.*

*-La constitution du 25 novembre 2010 en son article 22 consacre la protection de la femme et de l'enfant contre toutes formes de discrimination, de violences et garantit leurs droits à la participation au développement national. Quant à l'article 24, il assure la protection de la jeunesse contre l'exploitation, l'abandon et la promotion de ses droits à la formation et à l'insertion professionnelle;*

*-Le code pénal réprime les coups et blessures volontaires, le viol, le harcèlement sexuel, les mutilations génitales féminines;*

*-La loi sur la santé de la reproduction qui dispose en son Article 7 que toute personne a le droit d'être à l'abri de la torture et des traitements cruels, inhumains ou dégradants sur son corps en général et sur ses organes de reproduction en particulier.*

*-Toutes les formes de violences et de sévices sexuels sur la personne humaine sont interdites et punies par la loi.*

*22. D'autres mesures visant à réduire les violences faites aux femmes et aux enfants*

*dans la vie publique et privée ont été prises; il s'agit de: la création d'un cadre de concertation des acteurs intervenant dans la lutte contre les violences basées sur le genre; la création de centres d'écoute et de cliniques juridiques; la célébration chaque année des 16 jours d'activisme pour la lutte contre les violences faites aux femmes et aux enfants.*

*23. S'agissant des mutilations génitales féminines, des actions visant le changement de comportement à travers un programme d'éducation à base communautaire pour l'abandon des MGF et la réinsertion socioprofessionnelle des exciseuses sont menées.*
*24. Au Niger, l'accès à la justice est libre et gratuit et les mécanismes judiciaires mis en place assurent à tous les citoyens l'égalité devant les services publics de la justice sans distinction de sexe, de handicap.*

78.7 Intensify its efforts with a view to a speedy ratification of CED and withdraw the reservations made to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Spain);

*State's Reply in Addendum: Le Niger prend acte des recommandations relatives à la ratification des instruments juridiques suivants:*
*La Convention internationale pour la protection de toutes les personnes contre les disparitions forcées;*

78.8 Withdraw its reservations made to articles 2 and 16 of CEDAW, which were considered contrary to the object and purpose of this treaty (Belgium);

78.9 Withdraw its reservations made to CEDAW (Canada);

78.10 Withdraw its reservations to CEDAW (Norway).

*State's Reply in Addendum to Recommendations 78.8, 78.9, and 78.10:*
*17. Dans le cadre de la levée des réserves à la CEDEF (recommandations n° 78.7-8-9-10-12-17-32), le Niger a mené plusieurs actions:*
*-l'élaboration d'un argumentaire pour la levée des réserves;*
*-le plaidoyer pour la levée des réserves.*
*Les campagnes de sensibilisation pour un changement de mentalités se poursuivent.*

77. **Niger considers that recommendations 76.22, 76.32, 76.33 and 76.47 above are already implemented or the in the process of implementation.**

76.47 Adopt the draft law on trafficking in persons (Canada).

## II. Treaty Bodies

Between 2011 and 2015, no UN Treaty Body has issued Concluding Observations on Niger.

## III. Special Procedures Mandate Holders

From 11 - 21 November 2014, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, visited Niger. Her end-of-mission statement is available at:
http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15329&LangID=E.

The visit report will be presented to the Human Rights Council in September 2015.