



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from the Niger on follow-up to the
concluding observations on its second periodic report***

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* The present document is being issued without formal editing.



I. Introduction

1. On 6 and 7 March 2019, the Niger presented to the Human Rights Committee in Geneva its second periodic report on the implementation of the provisions of the International Covenant on Civil and Political Rights. The delegation that participated in the constructive dialogue was led by the Minister of Justice and included several technical experts from various ministerial departments who are also members of the interministerial committee responsible for drafting reports for submission to the treaty bodies and under the universal periodic review procedure.
2. Following the constructive dialogue, the Committee adopted its concluding observations and recommendations for the Niger on 22 March 2019. The Committee prioritized three of the recommendations, to be addressed in a follow-up report submitted within two years, namely by 29 March 2021. The follow-up report could not be submitted on time owing to the crisis linked to the coronavirus disease (COVID-19) pandemic.
3. The Committee requested the Niger to provide, in writing, details of the measures it has taken concerning the recommendations on the following three issues:
 - Fight against corruption (paragraph 11)
 - Conditions of detention (paragraph 33)
 - Freedoms of expression and assembly and protection of journalists and human rights defenders (paragraph 43)
4. The interministerial committee responsible for drafting reports for submission to the treaty bodies and under the universal periodic review procedure has prepared the present document in response to the Committee's request.

II. Status of implementation of each priority recommendation

A. Fight against corruption

Paragraph 11

5. Corruption has reached alarming levels in the Niger in recent years. The survey conducted as part of the design process for the National Anti-Corruption Strategy found that 85.66 per cent of respondents think corruption is very common in the Niger. The public sector is considered the most affected sphere.
6. The High Authority to Combat Corruption and Similar Offences is one of the bodies responsible for fighting this scourge. Initially created by Decree No. 2011-215/PRN/MJ of 26 July 2011, the High Authority was completely overhauled by Act No. 2016-44 of 6 December 2016 in order 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 Act strengthens the legal and institutional capacities of the High Authority, giving it the power to take up cases on its own initiative, perform the functions of the criminal investigation police, obtain inspection and oversight reports and proceed with the identification, location, seizure and sealing of evidence.
7. The investigation reports drawn up by the Authority are now transmitted directly to the Public Prosecutor, who is obliged to request the opening of a preliminary investigation in cases where the facts uncovered are likely to constitute criminal activity. This marks a major step forward in the fight against impunity. The Authority has forwarded several cases to the public prosecutor's office specializing in economic and financial offences.
8. The Authority is implementing the National Anti-Corruption Strategy and the related action plan for 2018–2020. The Strategy is structured around three major areas: enhancing the prevention of corruption, improving anti-corruption systems, and strengthening national and international partnerships and cooperation.

9. In order to make it easier for the public to contact it, the Authority has recently set up Twitter, Facebook and YouTube accounts and a website (www.halcia.ne) with complaint and report forms to enable it to reach a wider range of people.

10. In the area of prevention, the Authority has worked with representatives of the ministries responsible for education and training and with other partners to develop and approve a training and awareness-raising module on combating corruption in schools and using the reporting system. The aim is to promote the values of work, integrity and merit within the education community and to enable people to report cases of corruption in schools. The module is also intended to streamline the contributions of civil society actors.

11. Preventing corruption requires knowledge of national anti-corruption laws. The Authority has therefore begun work on the publication of a compendium of national anti-corruption legislation. It has also helped journalists involved in anti-corruption investigations to improve their skills in investigative techniques and launched a writer-in-residence scheme for the drafting and simultaneous publication of press articles with a view to preventing corruption and increasing awareness of its evils among a range of readers.

12. To raise awareness of corruption, the Authority has also produced video clips inspired by artists' songs. The clips have been broadcast widely by media partners and on social networks, including WhatsApp and Facebook, in order to reach as many people as possible, especially younger people. With regard to the visibility of its activities, the Authority took part in an open house event on the role and importance of accountability institutions organized by the SHIGA project operated by the Financial Services Volunteer Corps and the United States Agency for International Development (USAID). The aim was to explain the relationship between the institutions and the general public and civil society, in order to create opportunities for engagement between actors around themes such as the principle of good governance.

13. Following the onset of the COVID-19 pandemic, the Authority published press releases in local newspapers and magazines urging the relevant actors to make proper use of the funds made available to them by the State and technical and financial partners. The Authority supervises almost all testing and competitive examination processes for recruitment to the *grandes écoles* (top-ranking higher education establishments) and the civil service to prevent corruption and fraud. Approximately 100 officials, students and parents of students were recently arrested and brought to justice for fraud in the 2021 baccalaureate examinations.

14. The Authority has set up a toll-free helpline at 2999 which will soon be operational. The helpline is intended to complement other referral mechanisms, including direct complaints and the complaint form available on the website. In 2020, the Authority registered 108 referrals, on the basis of which 11 reports were prepared and forwarded to the relevant judicial and administrative authorities. The most common offences are tax and customs fraud, examination fraud, embezzlement of public funds, favouritism, influence peddling and misappropriation of public property.

15. In the 2020–2021 local and general elections, the Authority deployed approximately 100 observers in all regions of the country, thereby contributing to a significant decrease in the number of cases of vote-buying and other forms of electoral fraud.

16. The fight against corruption is one of the priorities of the President of the Republic, who, during his inauguration speech on 2 April 2021, lamented the various forms of corruption that exist within the administration, including bribes, over-invoicing, inappropriate expenditure and fictitious or partially delivered orders. He went on to say that such practices occur despite all the administrative and legal measures put in place to prevent them and to punish the perpetrators. The President added that the best way to fight corruption is to crack down on those who commit it, and that his approach would be to lead by example by operating a zero-tolerance policy on impunity. He would be implacable in the face of offenders, he said, because he was aware of the damage corruption inflicted on the development of the country and the fact that it seriously discredited any administration and was therefore a security risk.

17. The fight against impunity is therefore one of the main challenges facing the President, who stated publicly, in April 2021, that anyone with responsibilities in the public administration would henceforth be held solely and fully accountable for their actions and that such persons would not be able to count on support from their political party, entourage, family or community if they committed a punishable act. The President's remarks were intended to encourage all bodies engaged in fighting all forms of financial crime. Those bodies now have free rein to crack down on any individual irrespective of his or her rank. On 20 September 2021, the President and the main relevant actors held a meeting specifically devoted to the fight against corruption.

18. As of 18 August 2021, the Authority recovered 10,411,820,672 CFA francs (CFAF) through its monitoring activities and transferred that sum to the Treasury. In July 2020, the Authority signed a grant contract with the Delegation of the European Union to the Republic of the Niger to conduct anti-corruption and prevention activities during the period 2020–2021. The grant is intended to support the Anti-Corruption Strategy and further the Authority's mobilization activities and its efforts to clean up government resources. In conjunction with the other monitoring bodies, namely the State General Inspectorate, the General Inspectorate for Finance, the General Directorate of Customs, the General Directorate of Taxes and the General Directorate of the Treasury and Public Accounts, the Authority is committed to ensuring that the State is reimbursed. The Authority intends to fight corruption and similar offences such as influence peddling, favouritism, bribery, extortion, misappropriation of public funds and fraud, including tax and customs fraud, which are likely to have an impact on the use of internal resources.

19. The Authority had announced that more than CFAF 234 billion in duties were owed to the State by natural or legal persons. Some companies alone account for more than CFAF 40 billion in unpaid duties.

20. This mobilization of internal resources is necessary for the economic and social development of the country. These activities are conducted with the full support of the President, who has made the fight against corruption his flagship issue and gave the green light for such actions a few weeks after taking office.

21. Several government officials are currently being prosecuted or have been imprisoned for corruption and similar offences, and many others will soon feel the force of the law.

22. Another significant step forward in the fight against corruption is the development by civil society of a bill that is currently being examined at various levels of adoption.

23. Regarding the transparent management of mining industries, the Niger was one of the first countries to commit to implementing the Extractive Industries Transparency Initiative (EITI) in 2005. It published EITI reports and established a national commission that met regularly to oversee the implementation process. In 2011, the Niger was designated as being compliant with the EITI Rules, and in 2017 commenced the validation of its progress vis-à-vis the EITI Standard 2016. The EITI Board found that certain requirements were not sufficiently met and therefore took the decision to suspend the Niger. Consequently, the country withdrew from the Initiative on 13 November 2017.

24. To demonstrate its commitment to transparency, the Government has implemented all the corrective measures necessary to comply with EITI standards. It rejoined the Initiative in February 2020, thereby reassuring civil society and investors that it was acting in good faith. The major change that facilitated the country's readmittance was the creation of a civil society platform allowing all citizens to view information on income from extractive activities. The Niger Mining Resources Company continues to train its officials to better detect front companies that commit fraud.

25. EITI disclosures provide an opportunity for the public to improve their understanding of how subnational transfers are granted and to identify the amounts owed to the State and to local governments. The implementation of the Initiative facilitates the publication of contracts in the Official Gazette, as provided for in article 150 of the Constitution.

B. Conditions of detention

Paragraph 33

26. Important reforms have been undertaken to improve the conditions and treatment of prisoners. The Niger has adopted Act No. 2017-008 of 30 March 2017, setting out the fundamental principles of the penitentiary system, and Act No. 2017-009 of 30 March 2017 on staff rules for the penitentiary system. These two laws are intended to modernize and humanize the prison environment in accordance with international standards, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The first class of 130 prison administration students (42 inspectors and 88 assessors) graduated in August 2021 having completed 18 months of military and theory training and will soon be deployed in the field.

27. The improvement of prison conditions remains a priority for the Government because prisoners must not be denied their rights. A wide-ranging programme of construction and refurbishment of prisons has been launched, involving approximately 20 of the 41 facilities in the country. In addition, 28 juvenile wings have been refurbished to bring them up to standard. Infirmaries have also been constructed, including at Koutoukallé high-security prison. Decent toilets, latrines, drinking water supply systems, septic tanks, sewage channels and sports areas have been installed in several facilities.

28. The treatment of prisoners has been further humanized with a substantial increase in funding for food, bedding and medical expenses. The number of daily rations has been increased from two to three.

29. In August 2021, the prison population stood at 11,040 inmates, including 7,204 remand prisoners and 3,836 convicted prisoners. The theoretical capacity of the prison system is 10,455 places, giving an occupancy rate of 105.60 per cent. The rate has decreased significantly compared to previous years.

30. In order to continue reducing the prison population and the percentage of remand prisoners in relation to convicted prisoners, the Ministry of Justice has issued circulars on pretrial detention, aimed mainly at jurisdictions with the highest rate of remand prisoners and reminding judges that liberty is the rule. The abolition of assize courts by Act No. 2019-55 of 22 November 2019 and their replacement by criminal chambers in the *tribunaux de grande instance* (courts of major jurisdiction) is one of the steps taken in order to expedite criminal cases and, consequently, to reduce overcrowding in prisons. On national holidays, at least four times per year, prisoners who meet certain conditions are granted pardons.

31. With regard to alternatives to detention, the reforms being undertaken are designed to encourage the social and professional reintegration of prisoners and the professionalization of prison staff. To that end, Act No. 2017-05 of 31 March 2017 establishing community service, and its implementing decree No. 2019-599/PRN/MJ of 18 October 2019, were adopted. Community service is a sentence that is intended to benefit the community and can be imposed as an alternative to detention for offences punishable by up to 3 years' imprisonment. Community service cannot exceed 240 hours over a period of 18 months.

32. To ensure greater respect for the rights of prisoners, on 17 April 2020 the Government adopted a prison policy covering three main areas: reforming the prison administration and strengthening prison governance, humanizing conditions of detention, and reinsertion and productivity.

33. The National Human Rights Commission has the authority to make unannounced visits to any place where a person is detained, and it has always done so without any difficulties. The Commission's powers have recently been strengthened by Act No. 2020-02 of 6 May 2020 establishing the national preventive mechanism, in application of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The mechanism is attached to the Commission.

C. Freedoms of expression and assembly and protection of journalists and human rights defenders

Paragraph 43

34. The High Council for Communications is an independent administrative authority that ensures the effective exercise of press freedom. Its main mission is to uphold and guarantee the freedom and independence of the audiovisual, print and electronic media in compliance with the law. In a report published on 17 April 2021, Reporters Without Borders ranked the Niger at 59 out of 130 countries. The country dropped two places compared to the previous ranking. This drop in the ranking is undoubtedly due to the closures of some private media outlets, but these were merely administrative measures designed to maintain public order. The media outlets disseminated messages of hatred, revolt and incitement to violence, in violation of all ethical standards.

35. The closures were conducted in accordance with national law and article 19 (3) (b) of the Covenant with the aim of keeping the peace and preserving public order. It is also important to note that since the adoption of legislation decriminalizing press offences, no journalists have been detained for such offences, including defamation and insults. However, the legislation does not prohibit the detention of journalists who commit a common law offence or any act that constitutes a criminal offence.

36. Any journalist who is a victim of ill-treatment in the course of or in connection with the performance of his or her duties can apply to the competent courts, irrespective of who is responsible for the incident. If necessary, journalists can initiate criminal proceedings themselves by filing a complaint as a civil party.

37. With regard to the protection of human rights defenders from threats and intimidation, a bill has been drafted in consultation with civil society. It has been sent for initial examination to the expert committee responsible for checking legal texts and will soon be transmitted to the National Assembly once it has been adopted by the Council of Ministers. The bill establishes the rights and reciprocal obligations of human rights defenders and the State.

38. Demonstrations on public thoroughfares remain subject to a declaration-based system, with the exception of the usage of such thoroughfares in accordance with local customs or for political rallies and marches organized during election campaigns, which are regulated by the Charter of Political Parties and the Electoral Code. The administrative authorities can ban an event for various reasons, including failure to comply with the deadline for declaring the event, or on the basis of the route, day or time selected, or for reasons of public safety or health. Some organizations defy these bans rather than challenging them through the proper channels, leading to confrontations with law enforcement. The defence and security forces receive appropriate training in law enforcement and respect for human rights. Any abuse or excessive use of force can result in civil or criminal liability.

39. The legislative and regulatory framework relating to freedom of assembly and demonstration will soon be revised to bring it more into line with the provisions of the Covenant.
