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# Convention on the Rights of Persons with Disabilities

## Committee on the Rights of Persons with Disabilities

### Twenty-first session

11 March–5 April 2019

Item 7 of the provisional agenda

### Consideration of reports submitted by States parties under article 35 of the Convention

## List of issues in relation to the initial report of the Niger

### Addendum

## Replies to the list of issues \*

[Date received: 7 February 2019]

1. The Government of the Niger was pleased to submit to the Committee on the Rights of Persons with Disabilities its initial report on the implementation of the Convention on the Rights of Persons with Disabilities. It would like to thank the Committee for carrying out a preliminary examination of the report and subsequently sending a list of issues, and has the honour to provide the Committee members with the replies below.

2. The question numbers correspond to the paragraph numbers in the list of issues.

### A. Purpose and general obligations (arts. 1–4)

#### Question 1

3. To comply with the commitments undertaken by the Niger in ratifying the Convention on 24 June 2008, the Ministry of Population, with technical and financial support from the non-governmental organization CBM, commissioned a study on the harmonization of existing legislation with the Convention.

4. The study reviewed the key pieces of social protection legislation and led, in 2015, to the preparation of a draft bill on equal opportunities for persons with disabilities.

5. A law on equal opportunities is needed to address the many gaps in the country's legislation and a number of contradictions between that legislation and the Convention on the Rights of Persons with Disabilities.

6. The table below shows the inadequacies and shortcomings noted in Ordinance No. 93-012 of 2 March 1993, as amended and supplemented by Ordinance No. 2010-028 of 20 May 2010, which is still the point of reference for comparing the law on social protection and advancement of persons with disabilities in the Niger with the Convention.

<i>Article</i>	<i>Inadequacies/shortcomings</i>	<i>Proposal</i>
Title of ordinance	Establishing minimum rules for the social protection of persons with disabilities, as compared with the purpose of the Convention: "full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities" (art. 1)	Act on equal opportunities for persons with disabilities in the Niger
Article 2: Definition	Links disability to impairments while overlooking the environmental and social barriers, in contrast to the definition and concepts in the Convention	Convention definition, with definitions of key categories of disability Section on women with disabilities
Section on women with disabilities	No provision for women with disabilities, contrary to article 6 of the Convention	Protecting women with disabilities from violence and guaranteeing their empowerment; specific reproductive health measures

Increased employment opportunities	Convention, article 27 (1) (f), (h), (i) and (j)	Earmark a percentage of public procurement spending for private firms employing persons with disabilities, workshops for persons with disabilities and protected workshops
		Specific action to ensure access to lifelong learning for persons with disabilities
		Support for reasonable accommodation measures
Article 29	Establishment and operation of specialized transport services, contrary to articles 9 and 19 (b) and (c), Convention principles	Delete article: adopt measures by decree to improve and adapt public transport services in order to take account of the needs of persons with disabilities
Article 30: Solidarity card	Despite the stated purpose being to guarantee all rights to all persons with disabilities, some of them cannot apply for the card themselves Moreover, the word "solidarity" does not feature in the Convention	Specify "person with disabilities or his/her legal representative": replace solidarity card with "equal opportunities card" for persons with disabilities
		Exempt from all taxes the acquisition of any equipment, materials, prosthetics or orthotic devices and, in general, any articles required by persons with disabilities for their functional needs or for the purpose of personal or professional mobility, whether or not these are free of charge
Article 33	Lack of clarity on the mobility of persons with disabilities	Priority access to services and seating for persons with disabilities in all public services and in all public places
	To ensure that action in this respect is as far-reaching as possible, federations and associations of persons with disabilities, special education centres and specialized agencies shall, as far as possible, be involved in drawing up national development plans and programmes. As compared with article 4 (3): "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations."	Delete to the extent possible
Article 34		
New article on the definition of the concept		Discrimination on the basis of disability, reasonable accommodation, progressive realization and universal design
New article on sanctions		Discriminatory act or practice, denial of reasonable accommodation, etc.
		Provide for a minimum income for persons with serious disabilities living in poverty (art. 28 (2) (c))
New article	In response to article 28 of the Convention	Make provision for social housing Provisions on the accessibility of electoral materials
New article	In response to article 29	Provision encouraging the appointment of persons with disabilities to senior positions
New article	In response to article 12 Equal recognition before the law	

7. Article 50 of the bill on equal opportunities and inclusion of persons with disabilities provides that: "All previous provisions contrary to this law, including Ordinance No. 93-012 of 2 March 1993 establishing minimum rules for the social protection of persons with disabilities, as amended and supplemented by Ordinance No. 2010-028 of 20 May 2010, are hereby repealed."

## **Question 2**

8. Article 26 of the Constitution of the Niger provides that: "The State shall ensure that persons with disabilities enjoy equality of opportunity with a view to their advancement and/or social integration." To give effect to this provision, several measures, including the following, have been taken:

- The establishment by Order No. 00030/MP/RS/DRS of 1 December 2008 of the National Committee for Monitoring Implementation of the Convention on the Rights of Persons with Disabilities;
- The establishment by Decree No. 2010-638 of 26 August 2010 of the National Committee for the Advancement of Persons with Disabilities;
- The establishment in 2014 of the regional committees for the advancement of persons with disabilities in all eight regions of the country;
- The commissioning of a study on the harmonization of national legislation with the Convention, which led to the preparation of the draft bill on equal opportunities and inclusion of persons with disabilities.

## **Question 3**

9. Persons with disabilities participate effectively in the preparation of reports for the treaty bodies and the implementation of legislative and policy measures. One of the most representative organizations is the Niger Federation of Persons with Disabilities, which is an active participant in all committees established to promote the rights of persons with disabilities.

10. The presence of a woman with a disability on the interministerial committee responsible for drafting reports to the treaty bodies and reports under the universal periodic review is a good example of their involvement.

11. Chapter 2 of the Equal Opportunities Bill is devoted to children and women with disabilities. According to article 6: "Children with disabilities have the right, on an equal basis with other children, to express their views freely on all matters affecting them, after due weight has been given to those views in accordance with their age and maturity, and to be provided with disability- and age-appropriate assistance to realize that right. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration."

12. Article 8 provides that: "Women and girls with disabilities shall fully enjoy all human rights and fundamental freedoms on an equal basis with others."

13. The following measures have been taken to encourage the establishment and self-management of organizations of persons with disabilities, particularly organizations of persons with intellectual disabilities:

- In 1991, the Sovereign National Conference gave pride of place to persons with disabilities, who were represented there in a dignified fashion;
- The Niger Federation of Persons with Disabilities was set up and duly authorized by Order No. 211/MI/AT/DAP/SA of 3 July 1998. The Federation comprises 21 national organizations located in all regions. These organizations themselves consist of groups or umbrella groups, associations, non-governmental organizations (NGOs) and networks;
- At the national level, there are two federations of persons with disabilities, namely the Niger Federation of Persons with Disabilities and the Niger Federation of Disability Sports;
- Persons with intellectual disabilities have set up their own association, the Niger Association for the Advancement of Persons with Intellectual Disabilities, which is a member of the Niger Federation of Persons with Disabilities.

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

## **Question 4**

14. The denial of reasonable accommodation is recognized as a form of discrimination in that it prevents a disabled person from enjoying the fundamental right of access to a building or to a public or private service. The shortcomings in reasonable accommodation arrangements are not the result of any such denial or discrimination against persons with disabilities. Rather, they are the result of a lack of sufficient resources to make the adjustments needed to ensure that persons with disabilities have access to all public services. It should be noted that, at least in some public services, adjustments have been made to ensure they are accessible to persons with disabilities.

15. In the course of its work in defence of human rights, the National Human Rights Commission receives complaints and reports from persons and groups of people on any matter related to a human rights violation. Any victim or dependant of the victim may submit an oral or written complaint to the president of the Commission. The complaint must give the identity and full address of the applicant

and of the alleged perpetrator of the violation, together with a brief description of the grounds for the complaint. The complaint should be drafted in simple and polite language.

16. By law, the Commission may also take up a matter on its own initiative. The denial of reasonable accommodation is primarily a matter for the public authorities or private corporations. To address this issue, the Commission engages in human rights awareness-raising and educational activities and publicizes the relevant domestic legislation, international conventions and regional instruments.

17. The National Human Rights Commission also provides or facilitates the provision of legal assistance for victims of human rights violations, especially women, children, older persons, persons with disabilities and other vulnerable persons.

## **Women with disabilities (art. 6)**

### **Question 5**

18. Having ratified, with reservations, the Convention on the Elimination of All Forms of Discrimination against Women on 8 November 1999, the Niger is making great efforts to incorporate the rights of women and girls in policies and strategies. Women with disabilities, who suffer from double discrimination, are a particularly vulnerable group.

19. The effective integration of women's and girls' rights is taken into account in the Equal Opportunities Bill, chapter 2 of which is concerned with women with disabilities. Article 8 in this chapter provides that: "Women and girls with disabilities shall fully enjoy all human rights and fundamental freedoms on an equal basis with others."

20. Article 9 of the Bill provides that: "The State shall create conditions conducive to the advancement and empowerment of women and girls with disabilities on an equal basis with other women and girls."

21. Measures to ensure that women and girls with disabilities are represented in public life are set out in article 42 of the Bill, which provides that persons with disabilities shall enjoy their political rights and participate in public life on an equal basis with others, either directly or through freely chosen representatives. This is in addition to the provisions of article 9 cited above.

22. As for collaboration with organizations representing women and girls with disabilities, including migrant women with disabilities, the national gender policy covers the adaptation of infrastructure to the needs of persons with disabilities and encourages women with disabilities to participate in national days and events for women of the Niger.

23. As regards employment, Act No. 2007-26 of 23 July 2007, containing the general civil service regulations, and its implementing Decree No. 2008-244/PRN/MFP/T of 31 July 2008 waive the competitive examinations for persons with disabilities, for whom positions are reserved within established quotas.

24. Act No. 2012-45 of 25 September 2012 (the Labour Code) and Decree No. 2017-682/PRN/MET/PS of 10 August 2017 regulating the Labour Code provide that: "No employer may take account of disability in decisions on, inter alia, recruitment, the management and assignment of work, vocational training, advancement, promotion, remuneration, granting of social benefits, disciplinary action or termination of the employment contract."

25. Every employer is required to reserve at least 5 per cent of positions for persons with disabilities when hiring personnel, under the conditions set out in the regulations. Under article 21 (new) of Ordinance No. 028 of 20 May 2010, all public or private establishments with at least 20 employees are required to reserve 5 per cent of positions for persons with disabilities. When jobs reserved in this way and suitable candidates are available on the labour market, any offender will be liable to pay a penalty at a monthly rate not lower than the guaranteed minimum wage.

26. Article 24 of the Equal Opportunities Bill establishes that, in order to facilitate the employment of persons with disabilities after training, the rules relating to the minimum age for starting an apprenticeship, to the length and form of training and to employment may be adjusted.

27. Such adjustments will be the subject of a decree of the Council of Ministers and will determine, inter alia, the conditions for offering incentives (tax concessions, subsidies, etc.) to employers training apprentices with disabilities, with a view to offsetting any additional costs or loss of earnings they incur.

28. In the area of education, the inclusion of women and girls with disabilities is the subject of the following circulars:

- Circular No. 00619/MEN/A/PLN/SG/DGFC/DFIC, on the introduction of an inclusive education module in the initial training programmes for student teachers in teacher-training colleges. In this circular, the Ministry of National Education, while highlighting the partnership with Handicap International, informs the directors general of the teacher-training colleges about the experimental introduction of the inclusive education module in the training programme for student teachers in the colleges in Maradi, Dosso and Tillabéri as from the 2013/14 academic year. In the same circular, the Ministry also asks the recipients to take every step to make a success of the project, which provides for a range of activities (outreach missions to present the module, training and mentoring of trainers) aimed at administrators and trainers in the colleges;

- Circular No. 000311/MEN/DGEB/DEBI of 7 December 2007, waiving the school-enrolment age for children with disabilities. In this circular, the Ministry of National Education recognizes that the educational inclusion of children with disabilities, whose growth may lag far behind owing to the effects of their disability, is a problem, and calls on regional directors of education to waive the enrolment age for these children (up to age 12) in primary schools in their respective regions;

- Circular No. 0017/PRN/DIRCAB of 9 January 2012, on the implementation of the scholarship scheme for pupils and students with disabilities by the Ministry of Population, Advancement of Women and Protection of Children;

•Circular No. 0015/PRN/DIRCAB of 9 January 2012 on the implementation of the scholarship scheme for pupils and students with disabilities by the Ministry of National Education;

•Circular No. 0011/PRN/DIRCAB of 9 January 2012 on the implementation of the scholarship scheme for pupils and students with disabilities by the Ministry of the Civil Service and Employment;

•Circular No. 0018/PRN/DIRCAB of 9 January 2012 on the implementation of the scholarship scheme for pupils and students with disabilities by the Ministry of Higher Education and Scientific Research.

29. Article 21 of the Equal Opportunities Bill establishes the right of persons with disabilities to inclusive education on the basis of equal opportunities with other children in the mainstream education system. They must have access, close to their home, to preschool education, to compulsory primary education that is inclusive, high quality and free of charge, and to secondary and higher education.

30. To this end, effective personalized support is to be provided in an environment that maximizes academic and social development, consistent with the goal of full inclusion, as well as reasonable accommodation according to the needs of each pupil.

31. Article 22 of the Constitution of 25 November 2010 requires the State to ensure the elimination of all forms of discrimination against women, girls and persons with disabilities. It should be noted that there also is a social protection policy in place.

32. In order to combat all forms of discrimination, especially domestic and gender-based violence, faced by women and girls, including those with disabilities, and to address the underlying causes of these forms of violence, the Niger has a five-year action plan to implement the national gender policy and a national strategy to prevent and address gender-based violence, together with a related action plan for 2017.

## **Children with disabilities (art. 7)**

### **Question 6**

33. In the Niger, there is an association of pupils and students with disabilities located at the University of Niamey. Its objective is to promote and defend their rights. It provides a forum for them to express, discuss and act on their concerns.

34. Special forums at which children with disabilities can express their views on issues that affect them are very rare. However, there are a number of NGOs and associations working to help persons with disabilities in general, and their mandate includes children with disabilities. These bodies organize activities at which the floor is given to children from this most vulnerable segment of the population so that they can express their views on issues that affect them. An example would be the special events held to celebrate the International Day of Persons with Disabilities.

35. According to article 6 of the Equal Opportunities Bill, children with disabilities have the right, on an equal basis with other children, to express their views freely on all matters affecting them, with due weight given to these views in accordance with the child's age and maturity, and to be provided with disability- and age-appropriate assistance to realize that right.

## **Awareness-raising (art. 8)**

### **Question 7**

36. Articles 11 and 12 of the Constitution provide as follows: "The human person is inviolable. The State has an absolute obligation to respect and protect it" ... "Everyone has the right to life, health, physical and mental integrity, healthy and sufficient food, safe drinking water, education and instruction under the conditions defined by law. The State shall guarantee to everyone the provision of basic services to meet their needs and ensure their full development."

37. Despite the existence of a favourable legal framework, deeply entrenched sociocultural attitudes ensure that prejudice, stereotypes and harmful practices persist. The action of the Ministry of Population is limited to awareness-raising, support and advocacy.

38. Article 102 of the Criminal Code punishes all acts of racial discrimination and hatred as follows: "Any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that is likely to set people against one another is punishable by 1 to 5 years' imprisonment and restricted residence." This provision, which is general in nature, indiscriminately penalizes all acts of discrimination.

39. Article 253 of the Criminal Code punishes the abandonment of a child or person lacking legal capacity as follows: "Any person who has exposed or abandoned in any location, or has had others expose or abandon in any location, a child or person lacking legal capacity who is unable to protect himself or herself owing to his or her physical or mental state, shall be liable, for this act alone, to a prison sentence of between 3 months and 3 years and a fine of between 20,000 francs and 200,000 francs."

40. Paragraph 2 goes on to say: "If such exposure or abandonment results in illness or non-permanent disability, the prison term shall be between 6 months and 5 years."

41. Paragraph 3 provides that: "If the child or person lacking legal capacity is left maimed or crippled, or with a permanent disability, the prison term shall be between 2 and 10 years. If such exposure or abandonment results in death, the penalty shall be imprisonment for 10 to 30 years."

### **Question 8**

42. The formal mechanisms for providing financial support to disabled persons can be summed up as follows:

- The National Social Protection Policy was drawn up in 2011;
- The Economic and Social Development Plan was prepared for the periods 2012–2015 and 2017–2021;
- A forum on begging was held in 2015, and resulted in a number of recommendations being made to the various stakeholders;
- The National Fund to Support Persons with Disabilities, set up in 1999, disbursed the following amounts from 2015 to 2018: tuition fees – 2,913,500 francs; prostheses – 901,500 francs; health care – 4,939,920 francs; sports activities – 1,355,000 francs; transport – 702,000 francs; special events – 30,000,000 francs; running costs of the Niger Federation of Persons with Disabilities – 2,500,000 francs; rehabilitation – 5,192,000 francs; study on the overall strategy for the reintegration of persons with disabilities – 5,065,830 francs;
- Persons with disabilities benefit from poverty reduction programmes run by the Government, NGOs, associations, organizations of persons with disabilities and technical and financial partners. For example, within the framework of the poverty reduction programme under the Heavily Indebted Poor Countries Initiative, a number of women's groups, including those for women with disabilities, have received loans to start small businesses or raise goats, sheep, dairy cows and so on;
- Assistance is provided to poor families thanks to solidarity and specific actions to help vulnerable groups, including in the context of the annual celebration of the International Day of Families and the Week of Solidarity;
- The introduction of social safety nets is hugely important in efforts to reduce vulnerability and poverty in households.

43. In addition to the institutional provisions listed above, the Equal Opportunities Bill that is in the process of being adopted provides that the State will support persons with disabilities in starting up individual or collective enterprises, production cooperatives or small or medium-sized enterprises in accordance with the regulations in force. The State budget will include provisions on loans for the adaptation or procurement of machinery and equipment, and the improvement of workstations and access to workplaces to enable the employment of persons with disabilities in the State administration and in public and national institutions that are not of an industrial or commercial nature.

44. Persons with disabilities sit on various national and regional committees and participate effectively, through their representative organizations, in awareness-raising campaigns at all levels.

## **Question 9**

45. The National Committee for Monitoring Implementation of the Convention on the Rights of Persons with Disabilities, whose members include persons with disabilities, is suffering from a certain inertia due to the insufficient resources allocated to it.

## **Accessibility (art. 9)**

### **Question 10**

46. The Equal Opportunities Bill is in line with article 9 of the Convention in that it provides for the State, local authorities and public and private entities to adapt buildings, sports and school facilities, roads, sidewalks, outdoor areas and means of transport and communication, in their respective fields and in accordance with international accessibility standards, in such a way as to enable persons with disabilities to gain access to, travel to, use and benefit from those services and facilities.

47. To this end, the measures taken will ensure access on an equal basis with others to the physical environment, public transport, information and communications (including information and communication technologies and systems) and other facilities and services open to the public, in both urban and rural areas. The arrangements for the progressive implementation of this principle are determined by decree of the Council of Ministers.

48. The adoption of the Bill will ensure that all new infrastructure and services meet accessibility standards.

49. Specific measures to ensure accessibility and the mobility of persons with disabilities are set out in the following legislation:

- Act No. 2017-20/PRN/MDH of 12 April 2017, setting out the fundamental principles of town planning and urban development;
- Act No. 2018-25 of 27 April 2018, setting out the fundamental principles of construction and dwellings;
- Decree No. 2018-303/PRN/MD/U/L of 30 April 2018, on the procedures for implementing Act No. 2018-25.

50. In the area of transport, the ministry responsible for the protection of vulnerable groups suggested that the transport ministry, in revising the plan on investment and action to implement the national transport strategy for 2016–2025, should take into account the accessibility of urban and inter-urban transport vehicles to persons with disabilities, with a view to facilitating such persons' mobility.

51. Article 38 of the Equal Opportunities Bill provides for an "equal opportunities card" to be issued to persons with disabilities along with the "national solidarity card", giving them access free of charge or at a reduced fare, depending on the area, to means of transport run by the State, a local authority, a public institution, a part State-owned company or a public service.

52. The equal opportunities card for persons with disabilities also entitles the holder to half-price tickets to all public events for which a financial contribution is required, including recreational, educational and cultural events.

53. As from 2018, staff in all municipalities have been trained by the General Directorate of Civil Protection in how to prepare a municipal backup plan on risk prevention and avoidance of humanitarian disasters, taking into account the specific needs of persons with disabilities by, for example, providing ramps for all buildings used by the public (including toilets, some of which must have a wheelchair sign), parking spaces for persons with reduced mobility, and so on.

54. In the field of information and communications, there are plans for facilities to ensure that new information and communication technologies are accessible to persons with disabilities.

### **Question 11**

55. Regarding access to new information and communication technologies, it should be noted that persons with disabilities stand to benefit from the development of these technologies, which generate employment at all skill and qualification levels. These technologies offer opportunities for independent living in society because they empower persons with disabilities, facilitate their access to information, increase their knowledge of social problems and raise awareness of their rights.

56. Existing legislation has set a deadline of two years from the adoption of Ordinance No. 2010-028 for the ministers responsible for social welfare, health and equipment to produce a report taking stock of achievements in the implementation of the Ordinance.

### **Situations of risk and humanitarian emergencies (art. 11)**

#### **Question 12**

57. In the Niger, there are several agencies and bodies, or mechanisms, that intervene in situations of risk and humanitarian emergencies. These bodies include the 3N Initiative, the Food Crisis Unit, the social safety net units, the early warning and disaster-management system and the national mechanism for the prevention and management of food crises. Persons with disabilities helped design these bodies and cooperate in their operation.

### **Equal recognition before the law (art. 12)**

#### **Question 13**

58. The legal personality of individuals is defined in a general and impersonal way and therefore persons with disabilities, like everyone else, are recognized before the law. However, for the purposes of protection, persons suffering from imbecility, insanity or uncontrolled rage are banned from performing certain functions and acts relating to the acquisition, disposal or division of property. There have been no amendments to the Civil Code in this respect.

59. In a bid to boost the confidence and skills of persons with disabilities so that they can fully exercise their legal capacity with less support, a regional commission, or technical commission, has been set up in each region to address inclusive education, training, employment and redeployment for persons with disabilities.

### **Access to justice (art. 13)**

#### **Question 14**

60. Article 10 of the Constitution declares that the people of the Niger are equal and free. Article 22 requires the State to ensure the elimination of all forms of discrimination against women, girls and persons with disabilities. Article 117 states that "justice shall be administered in the national territory in the name of the people in strict compliance with the rule of law and the rights and freedoms of every citizen".

61. Thus, any person, with or without a disability, who believes that their rights have been violated may apply to the courts for redress. If the application is turned down, appeal procedures are provided for by law.

62. To ensure that the poorest have better access to justice, Act No. 2011-42 of 14 December 2011, which sets out the rules on legal and judicial assistance and establishes a public administrative body called the National Legal and Judicial Assistance Agency, was adopted. The Agency has benefited from European Union support in setting up its head office and local offices in the 10 courts of major jurisdiction. It has been provided with the staff and resources needed to raise awareness of its mission and procedures among beneficiaries and stakeholders. It also benefits from the support of the United Nations Development Programme, with legal assistance provided by legal officers working as United Nations volunteers.

63. From 2015 to the end of 2017, about 10,000 people received legal assistance at the Agency's local offices and at awareness-raising sessions and legal clinics run by the volunteer legal officers in short-stay prisons. As regards judicial assistance, some 1,850 people have benefited from the services of court-appointed defence lawyers or lay counsel.

64. Judges, lawyers, court officials and law enforcement personnel all receive regular training on respect for human rights in general, and the human rights of persons with disabilities in particular. The training is organized in-house and also at State-run seminars, workshops and forums.

### **Liberty and security of the person (art. 14)**

#### **Question 15**

65. Persons with disabilities who are detained for a crime or offence are treated in a way that takes account of their physical or mental condition.

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

#### **Question 16**

66. The Niger does not yet have a specific law to combat torture in line with the Convention against Torture, but the courts punish all acts of torture by classing them as other offences, regardless of who is the perpetrator or victim.

### **Freedom from exploitation, violence and abuse (art. 16)**

#### **Question 17**

67. There are no disaggregated statistics on the number of women and girls with disabilities who have been subjected to forced marriage. As for marriages involving children in receipt of assistance from the social services in the areas of prevention, promotion and protection, in 2016 and 2017 some 360 girls were subjected to, or at risk of being subjected to, child marriage.

#### **Question 18**

68. Any individual who commits a criminal offence must be tried and punished in accordance with the Criminal Code and the Code of Criminal Procedure. The social services department of the Ministry for the Advancement of Women and Protection of Children organizes awareness-raising and information activities for the groups and services working with children in order to encourage victims of violence, abuse and exploitation to report the incidents and denounce the perpetrators.

### **Protecting the integrity of the person (art. 17)**

#### **Question 19**

69. The State has taken legislative measures to protect the physical and mental integrity of every individual without discrimination. Laws and regulations have been adopted to protect all persons from the administration of medical treatment without their free and informed consent.

70. The codes of ethics of the various health professions also insist on respect for life and the human person in all circumstances. The doctor must treat all patients with the same conscientiousness, regardless of their status, nationality, race, opinions or the feelings they arouse.

71. The Patient's Charter drawn up by the Ministry of Public Health specifies that a medical act can be carried out only with the free and informed consent of the conscious patient. Consent shall be given for minors by their guardians and in other cases by a person of trust or the closest available relative. Clinical trials can only be conducted after the person concerned has given consent, which they can only give after they have been specifically informed about the expected benefits, constraints and foreseeable risks.

72. In the case of HIV-testing, Act No. 2015-30 of 26 May 2015, on prevention, treatment and control of HIV, stipulates that HIV-testing must be voluntary, anonymous and confidential. Consent to testing must be free and informed and testing must be carried out in conjunction with counselling. The consent of the parent or guardian is required for HIV-testing of non-emancipated minors.

73. In addition to the provisions cited above that protect the individual against any forced medical act, Act No. 2006-16 of 21 June 2006, on reproductive health, provides that specific consent, as prescribed by the legislation in force, is required in the following cases:

- Voluntary termination of pregnancy;
- Artificial insemination;
- Donation and use of substances of human origin.

74. Voluntary termination of pregnancy is a medical act. As such, it is subject to the precautionary and safety principles that must be observed by every doctor in the exercise of their profession, in accordance with the Code of Medical Ethics and the laws and regulations of the Republic.

#### **Question 20**

75. There are no disaggregated data on attacks on the physical integrity of persons with disabilities. Administrative or judicial remedies are open to any aggrieved person, regardless of his or her physical or mental state. Administrative remedies are free or hierarchy-based, while judicial remedies consist of appeals, applications to set aside a decision and applications for judicial review to the relevant courts.

### **Living independently and being included in the community (art. 19)**

#### **Question 21**

76. Article 41 of the Equal Opportunities Bill provides that, in all public places, people with disabilities have priority for services and seating. This priority also applies to persons with reduced mobility, including persons with visual impairments who use a white cane, persons in wheelchairs, persons using crutches or other walking aids, and persons with mental or intellectual impairments.

77. Persons with disabilities in possession of an equal opportunities card are authorized to park their vehicles outside their workplace or in a space set aside for this purpose.

78. In the field of education, the Sectoral Education and Training Programme indicates that around 30 per cent of children are not enrolled in school, despite there being a school in the vicinity. These are generally children from economically vulnerable families or children with disabilities. There is therefore a question of demand as well as supply, and these need to be balanced in order both to improve retention and to ensure the inclusion of populations and vulnerable groups (children, especially girls, from poor families living in remote rural areas, nomads, young people with disabilities).

79. In the Niger, pursuant to article 33 of the Constitution, there is no discrimination among applicants for jobs, or in the transport, housing, education or leisure sectors, or in access to other facilities and services.

80. The Government of the Niger, with the support of its technical and financial partners, is working every day to find the substantial resources needed to ensure the right to independent living and inclusion of persons with disabilities through programmes and projects.

## **Personal mobility (art. 20)**

### **Question 22**

81. Article 37 of the Equal Opportunities Bill provides for the State, local authorities and public and private entities to adapt buildings, sports and school facilities, roads, sidewalks, outdoor areas and means of transport and communication, in their respective fields and in accordance with international accessibility standards, in such a way as to enable persons with disabilities to gain access to, travel to, use and benefit from those services and facilities.

82. To this end, the measures taken will ensure access on an equal basis with others to the physical environment, public transport, information and communications (including information and communication technologies and systems) and other facilities and services open to the public, in both urban and rural areas. These provisions will be implemented gradually, but once the law has been passed, there can be no question of allowing the development of infrastructure or new services that do not meet accessibility standards.

## **Freedom of expression and opinion, and access to information (art. 21)**

### **Question 23**

83. Article 31 of the Constitution states that: "All persons have the right to be informed and to have access to information held by public sector authorities, in the circumstances determined by law." To give effect to this provision, the television news, for example, is translated into sign language so that people with a hearing impairment can keep informed.

84. Modules on sign language and Braille have also been introduced in curricula in collaboration with NGOs and organizations of persons with disabilities, in order to take account of their specific needs.

## **Respect for privacy (art. 22)**

### **Question 24**

85. In order to protect and promote the right to privacy of persons with disabilities, particularly women and girls with disabilities, the Niger has adopted:

- The Convention on the Rights of the Child, article 23 of which relates to the rights and protection of children with disabilities;
- The African Charter on the Rights and Welfare of the Child, article 13 of which addresses the rights and protection of children with disabilities.

86. Persons with disabilities have the right to form associations. Thus, they have organized associations to defend their rights and women's groups to engage in income-generating activities. All legislation enacted for the benefit of persons with disabilities takes into account the protection of their privacy.

## **Respect for home and the family (art. 23)**

### **Question 25**

87. The Civil Code has not yet been amended in respect of these points.

## **Education (art. 24)**

### **Question 26**

88. The limited data available generally concern only the regional capitals and do not give an accurate picture of all types of disability.

89. In 2016, there were 140 boys and 116 girls with visual impairments in special education and 211 boys and 191 girls with hearing impairments in special schools.

90. In 2015, a total of 55 children with disabilities (22 girls and 33 boys) were attending training centres.

91. In view of the resources needed to provide such education, the lack of awareness among parents, the need to train teachers and the unsuitability of school facilities for children with disabilities, it is difficult to see the number of such children rising in public institutions. This would explain why the Directorate for Preschool Education has no statistical data on children with disabilities. Moreover, special schools for children with disabilities are only found in the regional capitals.

## **Health (art. 25)**

### **Question 27**

92. Access to health services and basic health care is a right recognized by the Constitution of the Niger. National health policy is therefore based on the idea of universal access to quality health care and services without any form of exclusion or discrimination and with the full participation of the people. One of the pillars on which the national health policy stands is the right to health, as set forth in article 25 of the Universal Declaration of Human Rights.

93. Other strategies have been devised to increase access to basic health care for population groups that live far from, or have difficulty getting to, a health centre. These include:

- Organization of mobile front-line activities, which has increased the uptake of preventive care, and involving the community in such activities, which helps make them sustainable;
- Development of a community platform by implementing health measures that prioritize the most vulnerable communities. Particular emphasis is placed on the provision of services in the areas of promotion and prevention, and on curative treatments, screening and the referral of certain diseases by community volunteers designated by their communities, who are trained, equipped and supervised by health workers;
- Mobile clinics are another type of strategy for improving access to health care. Their mobility means that access to care can be provided for population groups living in fairly remote areas. The fact that they provide curative treatments adds to their appeal. These strategies also increase public awareness and knowledge (e.g. on birth spacing or HIV/AIDS) and cover immunization, antenatal check-ups and check-ups for babies;
- Affordability is improved by exempting vulnerable groups from paying for certain services. The following services are provided free of charge: caesarean sections, treatment for children under 5 years of age, antenatal check-ups, family planning consultations and treatment of female cancers, obstetric fistula, tuberculosis and HIV/AIDS.

## **Habilitation and rehabilitation (art. 26)**

### **Question 28**

94. For the purposes of habilitation and rehabilitation, a national rehabilitation programme and a training strategy for persons with disabilities have been established. Central services of the Ministry of Population and the regional committees for the advancement of persons with disabilities participate in this rehabilitation.

## **Work and employment (art. 27)**

### **Question 29**

95. Article 6 of Decree No. 2017/PRN/MET/PS of 10 August 2017, regulating the Labour Code, provides that: "Employers must consider, in their hiring practices, suitably qualified persons with disabilities. A quota of 5 per cent shall be applied when the workforce consists of 20 or more workers. Labour inspectors shall verify, during their on-site inspections, whether the employer has fulfilled this obligation."

96. Article 4 of Decree No. 2017/PRN/MET/PS of 10 August 2017 provides that: "Pursuant to article 5 of the Labour Code, all discrimination in employment or occupation is prohibited. 'Discrimination' means any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, disability, sickle-cell anaemia, HIV/AIDS, membership or non-membership of a trade union or the exercise of trade union activities, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, or any other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation."

## **Proportion of persons with disabilities recruited to the civil service (2012–2016)**

<i>Year</i>	<i>Total number of staff members</i>	<i>Number of persons with disabilities recruited</i>	<i>Percentage</i>
2012–2016	62 452	200	0.32%

*Source* : Department of Statistics, Ministry of the Civil Service and Administrative Reform.

97. In 2018, 545 persons with disabilities were recruited to the civil service.

98. The National Employment Service provided the following data for the private sector: 117,694 employees (28,692 women and 89,002 men) in 2016. These data are not disaggregated.

99. According to article 46 of the Labour Code: “The employer has an obligation to assure suitable conditions and jobs for persons with disabilities who cannot be employed in normal working conditions, as well as the right to special training under the conditions set by regulations, after seeking the opinion of the Advisory Commission on Labour and Employment.”

100. “Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

101. In order to encourage employers in the private sector to employ persons with disabilities, article 30 of the Equal Opportunities Bill provides that: “Any public institution or private enterprise with at least 20 employees is required to reserve 10 per cent of the positions for persons with disabilities. When jobs reserved in this way and suitable candidates are available on the labour market, any offender will be liable to pay a penalty.”

102. Tax concessions and subsidies are also provided for.

## **Adequate standard of living and social protection (art. 28)**

### **Question 30**

103. The National Social Protection Policy adopted in 2011 offers a vision and long-term prospects for the progressive establishment of a coherent and integrated system of social protection, by identifying objectives, priorities and mechanisms through programmes of practical action. The policy offers a holistic vision of social protection that includes prevention, protection, promotion and transformation. It rests on five strategic pillars: (i) food and nutritional security; (ii) social security, work and employment; (iii) social services and basic social infrastructure; (iv) specific measures for vulnerable groups; and (v) a solid legislative and regulatory framework.

104. The National Social Protection Policy is intended to reduce the vulnerability of the population and disadvantaged groups, which is a priority of the Economic and Social Development Plan. Subprogramme 3.5 of the Plan for 2017–2021 provides for the strengthening of the social protection system by means of two major initiatives: (i) improving access by vulnerable groups to social services; and (ii) strengthening the social protection floor. Specifically, this means implementing integration measures for young people, building and renovating socioeconomic centres and boosting humanitarian action. It also involves the economic empowerment of vulnerable persons, building the know-how and capacity of those involved in the provision of universal health care, developing a communications strategy to enhance social protection and, lastly, designing and putting into effect the social protection floor.

105. These actions will be backed up by a number of measures, including the introduction of the national solidarity card for vulnerable groups, the dissemination and implementation of the ordinance on care for persons with disabilities, street children, talibé children and beggars, and their access to social services.

106. In the context of the implementation of the fourth pillar of social protection, a workshop held in September 2016 looked into basic minimum guarantees for particularly vulnerable persons with disabilities. The specific actions identified were:

- Help identify the types of vulnerability to be targeted and the target groups;
- Identify a social protection floor or minimum guarantees for groups affected by specific vulnerabilities;
- Give every person with disabilities an equal opportunities card to go with their national solidarity card, which entitles the holder to free medical examinations, covers the cost of hospitalization in all public health facilities, and entitles them to benefits under the universal health scheme and half-price basic medicines.

107. In terms of poverty reduction, for more than two decades the authorities have been resolutely committed to eradicating poverty, in accordance with the national development goals and the country’s international commitments, including those under the 2030 Agenda for Sustainable Development adopted by the General Assembly of the United Nations on 25 September 2015, as defined by the 17 Sustainable Development Goals and 169 targets set out in the Agenda.

108. Under the country’s Renaissance Programme, several development strategies and programmes have been implemented to effectively combat poverty and food insecurity and to help the country progress towards sustainable development. These include:

- The 3N Initiative (*Nigériens Nourrissent les Nigériens* – “people of the Niger feed the people of the Niger”);
- The Interim Framework Programme for Government Action in 2011/12;
- The Sustainable Development and Inclusive Growth Strategy for 2013–2035;
- The Economic and Social Development Plan for 2012–2015 and for 2017–2021.

109. The first objective of the Economic and Social Development Plan for 2017–2021, the reference point for government action that draws on the Renaissance Programme Act 2, is “to reduce the national poverty rate by at least half, to set up social protection systems and measures for all, and to ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, property ownership, control over land and other forms of property,

inheritances, natural resources, new technologies and appropriate financial services, including microfinance.”

110. In this context, a number of sectoral projects and policies have been developed:

- A national social protection policy, with the development of a national strategy for the social reintegration of persons with disabilities, approved on 18 August 2016, and its related action plan for 2017–2019, which is designed to overcome the difficulties in coordinating action in support of persons with disabilities that have so far rendered action unproductive;
- A national fund to support persons with disabilities, for which the budget has climbed from 50 million to 150 million CFA francs;
- An organizational and institutional framework involving State actors, civil society organizations, NGOs and technical and financial partners.

## **Participation in political and public life (art. 29)**

### **Question 31**

111. In the Niger, the law places no constraints on the right of persons with disabilities to participate in political and public life. They participate in the activities of political parties, civil society organizations and national and international organizations of persons with disabilities. Recently, in the 2016 parliamentary elections, two persons with disabilities (one blind person and one with impaired motor skills) stood for election in the capital. Persons with disabilities can freely exercise their right to vote in the Niger, and special arrangements are made for them to do so.

112. Articles 42 and 43 of the Equal Opportunities Bill provide that persons with disabilities enjoy their political rights and participate in public life on an equal basis with others, either directly or through freely chosen representatives. Persons with disabilities have the right to vote and to be elected on an equal basis with others.

113. However, publicity materials from the National Independent Electoral Commission on the population census being conducted to enable the construction of a biometric database are not accessible to deaf or blind people.

114. The State ensures that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. However, there was a problem with access to polling stations and intelligibility of electoral materials, namely the lack of Braille ballots for persons with visual impairments.

## **Participation in cultural life, recreation, leisure and sport (art. 30)**

### **Question 32**

115. Article 38 of Act No. 98-14 of 1 June 1998, on the orientation, organization and promotion of physical and sporting activities, provides that: “The State and local authorities shall facilitate the participation of persons with disabilities in national and international competitions.”

116. The sporting potential of athletes with disabilities is showcased through their inclusive participation in national sporting events such as the traditional wrestling championships in 2017 and 2018. The challenge now is to increase the participation of paralympic athletes and sportspersons from the Niger in international competitions and to reinvigorate the country’s paralympic sports organizations (Niger Federation of Disability Sports).

117. The Niger will in due course ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

## **C. Specific obligations (arts. 31–33)**

### **Statistics and data collection (art. 31)**

#### **Question 33**

118. The preparations for the questionnaire to be used in the next general population census (in December 2020) will include a workshop for all line ministries, with input from all line departments and technical units. The Washington Group Short Set of Questions on Disability will be taken into consideration.

### **International cooperation (art. 32)**

#### **Question 34**

119. The 2030 Agenda for Sustainable Development is an ambitious document which lists the 17 Sustainable Development Goals valid for 15 years, starting from 2016. Each Goal has a number of targets, of which there are 169 in total, which are a sort of intermediate or implementation objective.

120. Progress is measured using appropriate indicators. The Sustainable Development Goals extend, replace and complement the Millennium Development Goals adopted in 2000, which expired in 2015. While, for persons with disabilities, the Millennium Development Goals were characterized by greater exclusion and a lack of data to measure progress, persons with disabilities now have double cause for hope in the shape of the Convention on the Rights of Persons with Disabilities, which is a legally binding

instrument, and a global agreement that takes them into consideration.

121. Not only is the 2030 Agenda as a whole inclusive in nature, it also contains clear references to persons with disabilities in paragraphs 19, 23 and 25 of its introduction. Similarly, nine targets refer to persons with disabilities.

122. With the Sustainable Development Goals, persons with disabilities are finally recognized as a target of global policy to eradicate poverty.

123. One of the roles of organizations of persons with disabilities is to monitor the protection and promotion of the rights of persons with disabilities.

## **National implementation and monitoring (art. 33)**

### **Question 35**

124. In accordance with its mandate, the Ministry of Population is the State institution responsible for implementing and following up on government policy on the protection and promotion of specific social groups such as older persons, persons with disabilities, poor families, prisoners and migrants in vulnerable situations.

125. For this reason, the Ministry of Population has been designated to act as the focal point for implementation of the Convention. The following regulations have been adopted:

- Order No. 00030/MP/RS/DRS of 1 December 2008, on the establishment, remit, composition and functioning of the National Committee for Monitoring Implementation of the Convention on the Rights of Persons with Disabilities, issued by the Ministry of Population after the ratification of the Convention;
- Decree No. 2010-638 of 26 August 2010, on the establishment, organization and remit of the National Committee for the Advancement of Persons with Disabilities;
- Order No. 047/GR/AZ of 27 October 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Agadez region;
- Order No. 103/GR/DA of 27 October 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Diffa region;
- Order No. 125/GR/DO of 24 October 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Dosso region;
- Order No. 063/GR/MI of 29 September 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Maradi region;
- Order No. 054/GR/N of 10 October 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Niamey region;
- Order No. 098/GR/TI of 24 October 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Tillabéri region;
- Order No. 079/GRZ/DRP/PF/PE of 30 September 2014, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Zinder region;
- Order No. 003/GTA/DRP/PF/PE of 7 January 2015, on the establishment, organization, remit and functioning of the regional committee for the advancement of persons with disabilities in the Tahoua region.

126. Persons with disabilities, through their representative organizations, participate fully in monitoring action related to the implementation of the Convention on the Rights of Persons with Disabilities and support policymakers in the development of national policies for the social inclusion of persons with disabilities.

127. To publicize the Convention on the Rights of Persons with Disabilities and related legislation and regulations, a national committee has been set up and training-of-trainers' centres have been working hard to reach out to the target groups.