



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twenty-second to twenty-fifth periodic
reports submitted by the Niger under article 9 of
the Convention, due in 2018***

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* The present document is being issued without formal editing.



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Introduction

1. In accordance with article 9 of the Convention, the Niger hereby submits its combined twenty-second to twenty-fifth periodic reports, in line with the Committee's concluding observations following its consideration of the previous report of the Niger (CERD/C/NER/15-21) on 6 and 7 August 2015.

2. This report provides an overview of the activities undertaken by the Niger since the submission of its combined fifteenth to twenty-first periodic reports. It highlights the progress made in strengthening a culture that rejects all forms of racial discrimination in order to give full effect to the Convention. This report also provides a response to the observations and comments made by the Committee during its consideration of the previous combined reports submitted by the Niger.

3. This report, which covers the period from 2014 to 2018, reflects the State's determination to comply with its international obligations. Its preparation, which involved an inclusive participatory process, was led by an interministerial committee responsible for drafting reports for submission to the human rights treaty bodies and under the universal periodic review procedure, taking into account the relevant guidelines adopted by the Committee at its seventy-first session. State bodies concerned with the rights enshrined in the Convention, civil society organizations working to promote and protect human rights and the National Human Rights Commission participated in drafting the report. This process took place in four stages:

- At an initial orientation workshop, all members of the interministerial committee received training on the contents of the Convention and guidance on drafting the report and preparing for the constructive dialogue with the Committee. At the end of the training session, a research and data-collection task was assigned to each member.
- A second workshop was held with a view to compiling and reviewing the first draft of the report, bringing together all the members of the committee and resource staff.
- A third national workshop was held for the purposes of validating the report. This workshop brought together State bodies, civil society, technical and financial partners, and the National Human Rights Commission.
- The report was adopted by the Council of Ministers.

4. In accordance with the guidelines,¹ the document (not including the introduction) is divided into three sections, namely:

- General information on the country
- Specific information on the implementation of articles 1 to 7 of the Convention
- Replies to the Committee's concluding observations and recommendations

5. In submitting this report for the Committee's consideration, the Niger reaffirms its adherence to human rights values and its willingness to work together with the United Nations human rights treaty bodies.

Part one General information on the Niger

A. Land and people

1. Land

6. The Republic of the Niger is a country located in the West African plains that shares borders with Algeria, Benin, Burkina Faso, Chad, Libya, Mali and Nigeria. The capital city

¹ General guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.5).

is Niamey. A multi-ethnic state, the Niger is also the point where sub-Saharan Africa and North Africa meet and a transit zone for migrants heading for Europe. The Niger occupies an area of 1,267,000 km², more than three quarters of which is desert. It is the largest country in West Africa and the sixth largest on the African continent. The population is concentrated in the south of the country, the north being arid or, in the case of the Sahara Desert, hyperarid. The major natural resources of the Niger are iron, gold, coal, uranium and oil.

7. In recent years, the Niger has been caught up in a cycle of violence caused by terrorist groups. The country is criss-crossed by numerous drugs, arms and migrant trafficking routes.

8. This state of insecurity has an adverse effect on the Government's efforts to ensure that its people can enjoy all its rights, particularly as over 15 per cent of the budget has been redirected to fighting terrorism. The current situation is a heavy burden that no State can bear alone; the Niger and its allies have therefore put in place a multilateral framework to defeat terrorism through the Group of Five for the Sahel.

2. People

9. According to the latest estimates by the National Institute of Statistics, in 2018, the population of the Niger stood at 21,466,863. The eight main ethnic groups, namely Arabs, Djerma-Songhai, Gourma, Hausa, Kanuri-Manga, Fulani, Tuareg and Tubu, enjoy the freedom to use their languages while respecting those of others. The languages of these groups all have equal status as national languages that the State promotes and develops.

10. Social cohesion in the Niger is based, among other things, on a form of ethnic mixing known as joking kinship, which supports inter-community relations. This is an excellent way of reducing inter-ethnic tensions and has made the Niger a tolerant society.

11. The fertility rate of the Niger is one of the highest in the world, standing at an average of 7.6 children per woman (demographic and health survey, 2012). In 2015, half the population was under 15 years of age. According to the United Nations Children's Fund (UNICEF), in 2018, 30 per cent of girls married before the age of 15 years and 75 per cent before the age of 18 years. Such marriages often cause girls to drop out of school. Child marriage, and school access and retention for girls, are among the main challenges facing the authorities.

Proportion (as a percentage) of women married before the age of 15 years and 18 years by region

<i>Age at first marriage</i>	<i>Agadez</i>	<i>Diffa</i>	<i>Dosso</i>	<i>Maradi</i>	<i>Tahoua</i>	<i>Tillabéri</i>	<i>Zinder</i>	<i>Niamey</i>	<i>Overall</i>
Under 15 years	11.2	26.1	21.5	23.6	32.3	22.9	33.2	7.8	25.3
Under 18 years	56.6	81.0	78.6	87.1	75.9	72.6	88.5	38.0	77.4

Source: 2015 national survey of socioeconomic and demographic indicators, our calculations.

12. The principle of the separation of State and religion is enshrined in the Constitution and the different religions coexist peacefully in the Niger. According to the results of the last general population census, conducted in 2012, the breakdown of the population by religion is as follows:

Breakdown of the population of the Niger by religion

<i>Religion</i>	<i>Total</i>	<i>Percentage (%)</i>
No religion	23,048	0.13%
Muslim	16,978,889	99.07%
Christian	56,856	0.33%
Animist	34,786	0.20%
Other	2,520	0.01%
Not applicable	42,608	0.25%

<i>Religion</i>	<i>Total</i>	<i>Percentage (%)</i>
Total	17,138,707	100%

Source: General population and housing census 2012.

B. The general legal framework for the protection of human rights

1. Regulatory framework

13. The legal framework for the protection of human rights is based on the principle of the rule of law. The sources of law in the hierarchy of norms are regularly ratified international treaties, the Constitution, organic laws, ordinary laws, ordinances, decrees and other regulatory acts. The Niger has adopted the main instruments for protecting and promoting human rights. These are listed in paragraphs 29 and 30 of the Common Core Document. The most recently ratified instruments are:

- The International Convention for the Protection of All Persons from Enforced Disappearance, on 24 July 2015
- The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, on 15 May 2018
- The Tokyo Convention on the Adoption of Children, on 13 April 2018
- The International Labour Organization (ILO) Protocol to the Forced Labour Convention, in June 2015
- The ILO Protocol of 2014 to the Forced Labour Convention, 1930, on 14 May 2015
- The ILO Protocol of 2002 to the Occupational Safety and Health Convention, 1981, on 14 May 2014
- The ILO Employment Policy Convention, 1964 (No. 122), on 6 June 2018
- The ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), on 15 March 2018
- The ILO Private Employment Agencies Convention, 1997 (No. 181), on 14 May 2015
- The Amendments to the Rome Statute of the International Criminal Court on the crime of aggression, 28 March 2018
- The Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, on 25 August 2018
- The ILO Labour Administration Convention, 1978 (No. 150), on 28 June 2015

14. The procedures for exercising the various rights enshrined in treaties and the Constitution are established in a series of laws adopted by the National Assembly and in regulatory instruments. Among the new laws, or those mentioned in the Common Core Document that have recently been amended, the following are the most significant:

- The Criminal Code and the Code of Criminal Procedure, revised in 2015, 2016, 2017 and 2018 to take account of developments in crime and international treaties
- The new Electoral Code, adopted pursuant to Organic Law No. 2017-64 of 14 August 2017 to take account of the shortcomings noted during the 2016 general elections
- Act No. 2018-22 of 27 April 2018, setting out the basic principles of social protection
- Act No. 2017-008 of 31 March 2017, determining the fundamental principles of the prison system in the Niger
- Act No. 2017-009 of 31 March 2017, establishing the autonomous status of prison administration staff
- Organic Act No. 2018-37 of 1 June 2018, establishing the organization and jurisdiction of the courts in the Niger

- Decree No. 2017-935 of 5 December 2017 on protection, assistance and support for girls attending school
- Decree No. 2017-682 of 10 August 2017 establishing implementing regulations for the Labour Code

15. These various instruments provide citizens with further guarantees that their rights will be implemented and enjoyed.

2. Institutional and policy framework

The judiciary

16. The judiciary, whose independence is enshrined in article 116 of the Constitution, is the guardian of individual and collective freedoms. It ensures that the rights and freedoms guaranteed in law are respected. It hears and deals with complaints filed by citizens and punishes all violations of their rights.

17. Since 2014, a number of reforms have been carried out within the judiciary in order to improve the working conditions of officials and adapt the legal framework to new challenges arising from the fight against terrorism and organized crime. These reforms include the adoption of new regulations governing the status of judges, on 16 March 2018, and legal officers, in 2017.

18. The judicial system has also been reformed by Act No. 2018-37 of 1 June 2018, which, in order to bring justice closer to the people, provided for the establishment of a court of appeal in each regional capital, increasing the number of such courts from two to eight. New courts of major jurisdictions, courts of minor jurisdictions, local civil and customary courts, and district criminal courts have also been established.

Political framework

19. All the institutions provided for by the Constitution of the seventh Republic have been set up. This Constitution was established after the military coup of 18 February 2010. The elections held in 2011 brought Mahamadou Issoufou to power. In 2016, he obtained a second and final five-year mandate. After the general elections of 2016, the National Assembly adopted a new Electoral Code that took into account the lessons learned from previous elections. For technical reasons it has not yet been possible to hold local elections; therefore, the Government has extended by decree the mandates of local elected officials, in accordance with the General Local Authorities Code or, in some cases, has appointed temporary administrators.

20. In October 2018, the Electoral Code adopted by the National Assembly in 2017 was put back on the negotiating table with a view to its being comprehensively revised. The opposition has agreed to its revision, in principle, and has therefore ended its boycott of the work of the National Council for Political Dialogue.

21. The ad hoc committee set up by the Prime Minister has 15 members, 3 representing the public authorities and 12 from political circles (4 supporters of the President, 4 opposition members and 4 unaffiliated members).

22. Two other points will be discussed by the ad hoc committee: the question of the representation of the various political actors within the Independent National Electoral Commission and the internal regulations of the National Council for Political Dialogue, particularly those regulations relating to the consensual nature of decision-making. The committee will submit its report to the Chair of the Council, who will send it to the Government once the Council has validated the report.

3. Procedural safeguards

23. Anyone who claims that his or her rights have been violated can apply to the judicial or administrative authorities for redress. All persons living in the Niger enjoy equal protection under the law. Everyone has the right to have their case heard by an independent and impartial court. The principles of the presumption of innocence and the right to appeal are also upheld.

24. Pursuant to article 5 (1) of Regulation No. 05/CM/UEMOA of 25 September 2014 on the harmonization of the rules governing the legal profession in the West African Economic and Monetary Union, all persons in police custody have the right to a lawyer upon arrest rather than from the twenty-fourth hour of police custody.

Part two

Information relating to articles 1 to 7 of the Convention

Article 1

Definition of racial discrimination

25. The law of the Niger does not contain any specific definition of racial discrimination. However, many legal provisions prohibit discrimination in all its forms. Thus, in the Constitution of 25 November 2010, the following provisions can be found:

Article 4: No sector of the population, community, corporation, party or political association, trade union organization or individual may arrogate the exercise of that sovereignty.

Personalization of power, regionalism, ethnocentrism, discrimination, nepotism, sexism, tribalism, feudalism, and slavery of any kind (...) shall be punishable by law.

Article 5: All communities comprising the nation of the Niger shall enjoy the freedom of using their own languages while respecting those of others.

These languages shall have the status of national languages, on an equal basis with one another.

The State shall ensure the promotion and development of the national languages.

Measures to enable their promotion and development shall be established by law.

Article 8: The Republic of the Niger is a State governed by the rule of law.

It shall guarantee equality before the law for everyone, without distinction as to sex or social, racial, ethnic or religious origin.

It shall respect and protect all beliefs. No adherents of a particular religion or belief may claim political power or interfere in the affairs of State.

All particularist propaganda of a regionalist, racial or ethnic nature and any expression of racial, social, gender, ethnic, political or religious discrimination shall be punishable by law.

Article 22: The State must ensure the elimination of all forms of discrimination against women, girls and persons with disabilities. Public policies in all areas shall ensure that such persons can attain their full potential and participate in national development.

Article 33: The State recognizes that all citizens have the right to work and is taking steps to create conditions in which this right can be effectively enjoyed and fair remuneration is paid to workers for their services or output. No one shall be subject to discrimination in his or her work.

Article 158: The State media are public services to which equal and effective access is guaranteed for all under the conditions defined by law.

They are required to foster democratic debate and promote fundamental human rights, national languages, sports and culture, national unity, tolerance and solidarity, and peace and security between different communities and to support the fight against all forms of discrimination.

26. The following legislative and regulatory provisions criminalize racial discrimination:

- Article 102 of the Criminal Code provides that 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.

- Article 208.1 of the Criminal Code establishes that genocide is constituted by committing, or ordering the commission of, one of the following acts against members of a national, ethnic, racial or religious group, or a group identified on the basis of other arbitrary criteria, in the execution of a prearranged plan leading to the total or partial destruction of that group:
 - Wilfully endangering life
 - Causing bodily or mental harm
 - Inflicting on the group conditions of life that are conducive to its physical destruction in whole or in part
 - Imposing measures intended to prevent births
 - Forcibly transferring children
- Article 208.2 of the Criminal Code establishes that crimes against humanity include deportation, enslavement, systematic and arbitrary mass execution, the abduction and subsequent disappearance of persons, and torture and inhuman acts conducted on political, philosophical, racial or religious grounds as part of an organized campaign against a section of the civilian population.
- Article 6 (2) of Organic Act No. 2017-64 of 14 August 2017, containing the Electoral Code of the Niger, provides that foreign nationals who have acquired the nationality of the Niger, by marriage or naturalization, are entitled to vote.
- Article 57 of that Act prohibits all political parties, or groups of political parties, from founding their organization or activities on the basis of:
 - Sectarianism, nepotism, communitarianism or fanaticism
 - Membership of a particular religion, linguistic group or regional group
 - Membership of a particular sex, ethnic group or professional status
 - Speeches and abuse based on region of origin, ethnicity, gender or religion, which are forbidden and punished in accordance with the law
- Article 2 (2) of Ordinance No. 84-06 of 1 March 1984, containing the rules governing associations, as amended and supplemented by Act No. 91-006, provides that regional and ethnic associations are prohibited. Regional associations are defined as:
 - Any association aiming to maintain characteristics based on a region, ethnic group or race in another part of the Niger
 - Any association of citizens of the Niger from a department, arrondissement, town, commune, canton, village or tribe of the Niger who are resident in other departments, arrondissements, towns, villages or tribes in the country

Although the provisions of article 102 of the Criminal Code and article 2 of the aforementioned Ordinance prohibit the formation of regional or regionalist associations, the law authorizes the formation of cultural associations whose aims do not conflict with the aforementioned provisions. Under this law, any association founded with a cause or purpose contrary to the legislation or regulations in force or to moral standards, or that aims to threaten public order, the integrity of national territory or the form of government, is null and void.

- Article 13 of the Nationality Code defines the conditions under which a foreign woman who marries a national of the Niger is entitled to acquire the nationality of the Niger. Foreign women who marry a national of the Niger may acquire the nationality of the Niger within one year by filing an application with the civil court of the place where the marriage was performed or before consular authorities of the Niger if the marriage was performed abroad.

- Article 13 of Act No. 2014-60 of 5 November 2014, containing amendments to the Nationality Code, provides that “the nationality of the Niger may be acquired through marriage to a national of the Niger, by decree, under the following conditions (...)” A foreign national who has acquired the nationality of the Niger may not, for a period of five years, perform public functions or hold an elective office for which that nationality is required.
- Article 8 of Act No. 98-12 of 1 June 1998 on the education system of the Niger, and the legislation that subsequently amended it, provides that everyone has the right to education, irrespective of age, sex, or social, racial, ethnic or religious origin.
- Article 5 of the Labour Code provides that no employers may take into consideration sex, age, national extraction, social origin, race, religion, colour, political or religious views, disability, HIV/AIDS, sickle cell disease, membership or non-membership of a trade union or involvement in trade union activity when making decisions relating to recruitment, the conduct and distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment.
- Article 52 (2) of Ordinance No. 2010-035 of 4 June 2010, containing the rules governing the freedom of the press, provides that defamation committed by any means of communication against a group of persons specified in the preceding article who, by virtue of their origin, belong to a specific ethnic group, region or religion, is punishable by a fine of between 100,000 and 500,000 CFA francs if such defamation is intended to incite hatred between citizens or inhabitants.
- Article 7 (3) of Act No. 2017-008 of 31 March 2017, determining the fundamental principles of the prison system, provides that where the treatment of prisoners is concerned, no account is to be taken of any difference in race, colour, sex, language, religion, political opinion, national or social origin, wealth, birth or any other status.

Article 6 provides that all prisoners shall be subject to the rules that uniformly govern prisoners in the category to which they belong. Depending on their merits and aptitudes, they are equally entitled to the benefits available in the institution where they are being held. Where the treatment of prisoners is concerned, no account shall be taken of any differences in race, colour, sex, language, religion, political views, national or social origin, wealth, birth or any other status.

27. The Constitution addresses discrimination based on race, colour, descent and national and ethnic origin. The prohibition of discrimination established in other laws and regulations includes distinctions based on the same criteria and takes into account direct and indirect forms of racial discrimination.

28. The expression “public life”, in article 1 (1), refers to all activities carried out by public corporations that concern the daily lives of citizens, the effective participation of these corporations in the life of the nation through the public institutions and bodies that manage them or, in general terms, the entire functioning of the State.

29. In ratifying the Convention on 27 April 1967, the Niger did not enter any reservations or place any restrictions, limitations or derogations on the prohibition of racial discrimination at the national level.

30. Different treatment based on nationality or migrant status mainly occurs in relation to access to jobs in fields associated with the sovereignty of the State, such as national defence, high political office, the civil service and the judiciary, which are exclusively reserved for persons originally from the Niger or persons who have been naturalized citizens for a certain number of years. The Niger also has a law on the entry and residence of foreigners and the status of refugees that imposes a number of obligations on them to which nationals are not subject.

31. In its tradition of offering hospitality to foreigners and facilitating the migration process, the Niger welcomed hundreds of thousands of people expelled from neighbouring countries, fleeing war in their country or leaving for Europe in 2017 and 2018. Forty-five flights containing migrants from Algeria arrived in December 2018. Migrants are not

subjected to any abuse and some are able to freely pursue professional activities, particularly in the informal sector. Thus, the Niger has taken in a large number of displaced Africans, including 17,030 persons expelled from Algeria, 2,000 of whom were children, and 900 refugees from East Africa. There were over 300,000 refugees in the Niger in 2018.

32. No specific measures have been taken to protect or promote any particular race or ethnic group. However, measures are being taken to support certain categories of individuals, including persons with disabilities, older persons, women and children. These measures are in no way based on membership of a particular racial or ethnic group.

Article 2

Condemnation of racial discrimination

33. The legal framework for the elimination of racial discrimination and hatred is essentially composed of the Constitution, the Criminal Code, Ordinance No. 84-06 of 1 March 1984, containing the rules governing associations, and Ordinance No. 2010-035 of 4 June 2010, containing the rules governing the freedom of the press.

34. The Niger has repeatedly affirmed its commitment to the principles of pluralist democracy and human rights as provided for in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Commission on Human and Peoples' Rights.

35. Further to the State party's commitment to prohibit and bring to an end racial discrimination by any persons, groups or organizations, racial discrimination has been made an offence punishable under article 102 of the Criminal Code.

36. With regard to the State party's undertaking not to sponsor, defend or support racial discrimination by any persons or organizations, article 2 of Ordinance No. 84-06 of 1 March 1984, containing the rules governing associations, prohibits the establishment of any association of a regional or ethnic nature.

37. An example of a discriminatory law that has been abolished is the 1984 ordinance containing the Nationality Code, which did not permit women of the Niger to pass on their nationality to their foreign husbands and did not provide for dual nationality. These rights are now upheld in the new Nationality Code adopted in 2014.

38. The State of the Niger generally supports the activities of civil society, including non-governmental organizations (NGOs), and institutions working to promote and protect human rights and provides them with subsidies. Similarly, these organizations and institutions work with government agencies to carry out their initiatives.

39. The National Human Rights Commission is an independent administrative authority that complies with the Paris Principles and, as such, enjoys category A status. It was established pursuant to article 44 of the Constitution and is governed by Organic Act No. 2012-44 of 24 August 2012, which established its composition, organization, powers and working methods. The National Human Rights Commission seeks to ensure the effective exercise of human rights throughout the national territory; it relies on its regional offices to help it to carry out its mission. As part of its general mandate, the Committee is responsible for combating all forms of human rights violations, including racial discrimination.

40. Generally, policies and programmes are developed and implemented for the benefit of the entire population, without distinction of any kind. However, special arrangements are made to ensure that certain groups with particular lifestyles, including nomads and pastoralists, can also benefit from such policies and programmes.

41. Regarding social policy, the 2014–2024 Sectoral Education and Training Programme was developed by the Niger, with the support of its partners, in order to expand education, especially in rural areas. Under the programme, alternative rural schools have been set up in sparsely populated areas in an effort to adapt education to the needs of rural families, for instance in terms of organization, timetables and start dates. A successful trial conducted within the framework of the Ten-Year Education Development Programme indicates that

such schools are a good option in areas with scattered housing and as a means of supporting nomadic children.

42. Regarding economic and cultural rights, the Cure Salée festival, which attracts large numbers of herders, affords meaningful opportunities for discussion and reunions. The State arranges for mobile courts to be present at the festival in order to issue civil status certificates and national identity cards. Herders may also vaccinate their livestock at the festival. Other cultural events, such as the Guérouwal festival, the Hotoungo festival, the Akdané festival, the Air festival, the Bianou festival and the Sukabé festival provide opportunities for people to meet and promote economic and cultural rights. These events consolidate national unity and allow different groups to mix and promote their products and cultures.

Article 3

Condemnation of racial segregation and apartheid

43. The Niger has consistently opposed all forms of racial segregation and apartheid. Thus, it is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it ratified on 28 June 1978, the International Convention against Apartheid in Sports, which it ratified on 2 September 1986, the Convention against Discrimination in Education, to which the Niger acceded on 16 July 1968, and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which the Niger ratified on 23 March 1962.

44. The Niger affirms that all persons are equal and that everyone has the inalienable right to human dignity and respect, without distinction as to race, colour, sex or religion. Everyone has the right and the duty to participate as equal members of society in public life. At the national level, the country has faced no problems of racial segregation or ghettoization. Initiatives of various kinds seek to foster harmony and understanding among the various sectors of society, for example, by encouraging cultural and ethnic intermingling, ensuring that all groups in the country are represented at all levels of government and improving the overall standard of living in order to avoid economic ghettoization.

45. There are no cities in the Niger in which the residents are segregated by neighbourhood on the basis of their low income, race, colour, descent or national or ethnic origin. Nor are there any cities or neighbourhood reserved for any particular sector of the population. Anyone can, depending on his or her means or activities, live in the city or neighbourhood of his or her choice.

46. Despite the absence of specific provisions expressly condemning racial segregation, such condemnation is conveyed in articles 102, 208.1, 208.2 and 270 of the Criminal Code and several other laws.

47. Segregation based on descent is not practised in the areas of education or housing.

Article 4

Measures intended to prohibit incitement to racial hatred

48. The Niger is firmly committed to building a State governed by the rule of law that upholds the exercise of every individual's collective and individual rights. In that regard, a number of legislative and administrative measures are applied by the courts in each case brought before them. Thus, on 24 June 2014, the Ouallam *Tribunal de Grand Instance* (court of major jurisdiction) prosecuted and convicted a citizen for the offence of slavery.

49. Ordinance No. 84-06 of 1 March 1984 provides for the dissolution of any association or organization whose activities incite racial discrimination. Article 102 of the Criminal Code provides for stricter penalties for any act of racial or ethnic discrimination the commission of which constitutes a serious or ordinary offence that violates State security or the integrity of the national territory. Despite the absence of more specific legislation, the courts duly perform their duties every time such a case is brought before them.

50. Further to its commitment to adopt immediate and positive measures designed to eradicate all incitement to, or any other acts of, racial discrimination, the Niger has taken constitutional, legislative, administrative and judicial measures; these are mentioned earlier in this report.

51. The Government recently took legal action against a politician who made comments inciting ethnic discrimination during a radio programme and temporarily closed the media outlet in question. In the same vein, the Minister of Justice instructed the Prosecutors General of the Niamey and Zinder Courts of Appeal to issue communiqués warning citizens against making remarks or issuing propaganda based on ethnic or ethnocentric ideas or theories.

52. In accordance with several pieces of legislation, including the Criminal Code and Ordinance No. 2010-035 of 4 June 2010, containing the rules governing the freedom of the press, it is a punishable offence to disseminate ideas based on racial superiority or hatred or that incite racial discrimination. The provisions of the Criminal Code, in particular, articles 102, 208.1, 208.2 and 270, provide that all acts of violence, or incitement to such acts, committed against persons or groups of persons because of their race, colour, descent or national or ethnic origin are an offence punishable by law.

53. Ordinance No. 2010-84 of 16 December 2010, establishing the Charter of Political Parties, prohibits the establishment of political parties or groups of political parties based on sectarianism, nepotism, communitarianism, fanaticism, or exclusive membership of a religion, linguistic group, region, sect or ethnic group.

54. The laws and regulations of the Niger do not specifically establish that it is an offence to finance racist activities. However, persons who do so may be prosecuted as accomplices to all the above-mentioned punishable offences in accordance with the provisions of articles 48 and 49 of the Criminal Code.

55. Ordinance No. 84-06 of 1 March 1984, as amended by Act No. 91-006 and its implementing decree No. 84-49/PCMS/MI of 1 March 1984, provide for the dissolution of all organizations and the prohibition of all propaganda activities, whether organized or not, that incite racial discrimination.

56. At certain gatherings or events, such as the national festivities held annually on 18 December, the national traditional wrestling championship, the National Day of Harmony, and Independence Day, the country's highest authorities make appeals to national and local public institutions to ban remarks or behaviour that incite racial discrimination. The authorities also take this opportunity to reaffirm the country's adherence to the great humanist values of peace, fraternity, tolerance and unity.

57. As provided for in article 102 of the Criminal Code, if the intention or effect of an act of racial or ethnic discrimination, regionalist propaganda or infringement of freedom of conscience or freedom of worship is to incite the commission of an offence against State security or the territorial integrity of the Niger, the perpetrator of the act is to be prosecuted as an accomplice or an accessory in accordance with the law in force. Another aggravating circumstance, provided for in article 208 of the same Code, concerns the execution of a prearranged plan leading to the total or partial destruction of an ethnic or racial group; such crimes are punishable by the death penalty.

58. National legislation does not as yet include a specific law on racial discrimination. Nevertheless, several draft laws that define and provide for sanctions specific to racial discrimination are being developed. Despite the absence of a specific law, it should be noted that judges duly fulfil their obligations by ensuring the proper application of existing legislation. Individuals have been prosecuted and tried in several cases relating to discrimination. For instance, on 24 June 2014, the Ouallam court prosecuted and convicted a citizen for the offence of slavery and ethnic discrimination. In another case, pursuant to Judgment No. 08 of 13 May 2011, the Boboye *Tribunal de Grand Instance* (court of major jurisdiction) rejected an application submitted by a number of individuals who had been denied the right of ownership of 13 fields because they were blacksmiths and weavers. Pursuant to Judgment No. 25 of 23 May 2012, the Dosso *Tribunal de Grand Instance* overturned Judgment No. 08 of the Boboye court by transferring ownership of the disputed fields to the plaintiffs.

59. The table below shows the decisions taken by the courts in relation to cases of slavery in the Niger (2015–2016):

<i>Courts</i>	<i>Courts of major jurisdiction</i>	<i>Court of minor jurisdiction</i>
Number of complaints	3	2
No. of prosecutions brought	3	2
No. of convictions handed down	-	-

Source: Statistical yearbook of the Ministry of Justice, 2017.

Article 5

Protection from racial discrimination

1. Information grouped under particular rights

(a) The right to equal treatment before the tribunals and all other organs administering justice

The fight against terrorism

60. The Niger is a State governed by the rule of law that guarantees all persons living in its territory the free exercise of their collective and individual rights and equality before the law.

61. Accordingly, every inhabitant is entitled to have his or her case heard by an independent and impartial court. Likewise, every person charged with an offence is presumed innocent until proven guilty by a court in a fair trial. These provisions and principles apply to all persons regardless of race, religion, ethnicity, national origin or any other subjective criteria.

62. In the context of states of emergency and the fight against terrorism, laws and decrees are issued for the sole purpose of ensuring the safety of persons and their property. Such exceptional measures do not contain discriminatory provisions and do not entail racial or ethnic profiling or other such stereotyping.

63. The purpose of the laws adopted in the context of efforts to counter terrorism is to better combat this scourge and its funding, while respecting international norms and, above all, mutual aid and cooperation between States. These laws relate to the declaration of a state of emergency, offences and the judicial procedure:

- Ordinance No. 2011-12 of 27 January 2011, amending and supplementing the Criminal Code
- Act No. 2016-22 of 16 June 2016, amending and supplementing the Code of Criminal Procedure
- Act No. 2016-21 of 16 June 2016, amending and supplementing the Criminal Code

Complaints of racial discrimination

64. The rules of criminal procedure of the Niger are such that every person, without being subjected to racial discrimination of any kind, is entitled to submit a complaint to the public prosecution service or the criminal police if he or she believes that his or her rights have been violated, regardless of the identity of the alleged perpetrator. There have been no complaints of racial discrimination against public officials, but if such a case were to arise a thorough investigation would be conducted, since an official's status does not grant him or her any degree of impunity and may even be considered an aggravated circumstance.

65. Those not satisfied by the administrative or judicial handling of their complaint may avail themselves of legal remedies by appealing to a higher court, submitting an appeal or lodging an appeal on points of law.

66. The right to a defence and the right to a fair hearing are guaranteed to all persons without restriction in the administrative and ordinary justice systems and the complaints filed under those systems are treated equally.

Prevention of racial discrimination in the administration and functioning of the justice system

67. Neither nationality nor race is considered when cases are referred to the courts. The judiciary of the Niger and its officials make no distinction in their handling of cases on the basis of race, religion, nationality, sex or social origin, in accordance with the principle of equality enshrined in articles 8 and 10 of the Constitution.

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

68. Articles 11 to 14 of the Constitution prohibit any violation of a person's physical integrity or mental integrity. Part III of the Criminal Code, concerning "Attacks against persons", sanctions such violations, irrespective of the identity of the perpetrator.

69. The penalties for these offences apply within the framework of the protection of victims living in the national territory without exception, reservation or distinction on the basis of sex, race, colour, language, religion, conviction, political or other opinion, national or ethnic or social origin, nationality, age, economic situation, wealth, marital status, birth or any other status.

70. The Niger ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998 and submitted its initial report in 2017. Although there is no specific law on torture, public officials and individuals have been prosecuted for acts qualified as torture under the Criminal Code.

71. All persons living in the territory enjoy the right to the protection of the law, regardless of whether they are nationals or foreigners, including migrant workers and members of their families, even if they are in an irregular situation.

72. Measures taken in the context of national security are intended to protect the entire population and apply generally and objectively, in accordance with the laws and regulations of the Republic. Any abuse by police officers is punishable by criminal sanctions irrespective of the identity of the perpetrators. So far, no complaints of racial discrimination have been registered.

73. Recent Acts Nos. 2017-08 and 2017-09 of 31 March 2017 on the prison system and the status of prison administration personnel provide that detainees may not be treated differently on the basis of their race, religion, political opinion, national or social origin, wealth, birth or any other status. No detainee may be subjected to torture, abuse or cruel, inhuman or degrading treatment for any reason. The perpetrators of any abuse will be penalized.

74. Recruitment into the police and other defence and security forces is open to all citizens of the Niger who meet the relevant legal requirements, without any discrimination. The requirements themselves do not contain any discriminatory provisions.

75. With regard to the treatment of migrants and refugees, the Niger complies with the Geneva Conventions. Thus, in line with its tradition of hospitality and solidarity with all peoples, the Niger has welcomed in its various camps thousands of people of various nationalities, including Sudanese, Somalis, Eritreans, Malians and Nigerians in the north, east and west of the country who have been turned away by other countries. In 2018, in the space of a few months, the Niger welcomed 45 flights carrying over 17,000 persons who had been turned away from Algeria. These persons are not subjected to any ill-treatment and have access to all basic social services. Representatives of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the International Committee of the Red Cross regularly visit the camps.

76. The principle of non-refoulement is always respected in the Niger. The voluntary repatriation of Nigerian and Sudanese nationals was organized in cooperation with international organizations and NGOs.

77. There are constitutional and legislative provisions guaranteeing the non-refoulement of asylum seekers, particularly when they are at risk of being subjected to treatment contrary to article 7 of the International Covenant on Civil and Political Rights. Article 11 of the Constitution and article 6 of Act No. 97-016 of June 1997 on refugee status provide that applicants for refugee status and recognized refugees may not be expelled, returned or extradited from the Niger other than for reasons of national security or public order. Article 6 (2) of Act No. 97-016 states that: "No refugees shall be expelled, returned or extradited to a territory where his or her life or freedom would be at risk on account of his or her race, religion, nationality, membership of a particular social group or political opinions."

(c) Political rights

78. All citizens are entitled to take part in the management of public affairs and, subject to certain requirements prescribed by the new Electoral Code of 2017, including an age requirement and the absence of any convictions suspending the enjoyment of civil and political rights, all citizens of the Niger can vote in elections and be elected. The Constitution and electoral legislation lay down the organization and conduct of elections, as well as the conditions for participation. A law was adopted introducing a quota to increase the representation of women in the management of public affairs. Ethnic minority groups are represented at all levels of political life, including in Government, parliament, other State institutions and the local authorities.

79. To remove barriers to the participation of ethnic minorities and to promote their representation in the parliament, the areas in which they reside have been designated as special electoral districts, which assures them seats in the National Assembly.

80. Participation in public life by persons with disabilities is promoted by Ordinance No. 93-012 of 2 March 1993 as amended by Ordinance No. 2010-028 of 20 May 2010, which provides that at least 5 per cent of positions in any public or private institution employing at least 20 persons must be reserved for persons with disabilities. According to the General Civil Service Regulations, recruitment to jobs reserved for persons with disabilities is not based on a competitive examination but is subject to the quotas laid down in special regulations. According to article 10 of the Labour Code: "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."

81. All citizens are entitled to take part in the management of public affairs and, subject to certain requirements including an age requirement and the absence of any convictions suspending the enjoyment of civil and political rights, all citizens of the Niger can vote in elections and be elected. The right to participate in public life is recognized for all citizens. To raise awareness, debates and radio and television spots are organized and political parties raise awareness among their activists.

(d) Other civil rights

82. Every person living in the Niger has the right to move about freely and to choose where to live in the country. Any person who so wishes may freely leave the country and return to it, subject to the obtainment of an entry visa in the case of non-nationals who are not citizens of the Economic Community of West African States.

83. The Constitution grants all citizens in possession of their civil and political rights the freedom to choose their place of residence freely and to travel within the national territory. They are guaranteed the right to enter and leave the national territory. These rights may be restricted only for a limited period of time, on the basis of a reasoned judicial decision.

84. The right to freedom of movement is extended to foreign residents provided that they comply with national legislation, particularly in respect of entry and residence visas.

85. The only restrictions that may be placed on the right to leave the territory concern persons involved in legal proceedings in which the investigating judge has confiscated travel papers for reasons connected with the investigation.

86. In any event, only the judicial authority is competent to prohibit a person from leaving the national territory. No citizen may be prevented from returning to the country.

87. The Nationality Code, as described in the common core document, was amended in 2014 to remedy discrimination against women of the Niger, who were not permitted to pass on their nationality to their foreign husbands. This amendment also concerned measures intended to reduce statelessness by granting nationality of the Niger to any child of unknown parents found in the Niger, as well as the recognition of dual nationality.

88. The conditions for obtaining and acquiring nationality are specified by law. There are no discriminatory conditions based on race or any other subjective criteria. Every foreigner born in the Niger or living in the Niger is entitled to apply for citizenship through naturalization.

89. Article 21 of the Constitution states: "Marriage and the family constitute the natural and moral basis of the human community. They are placed under the protection of the State."

90. The Niger has a dual legal system constituting of statutory law and customary rules. Article 73 of Act No. 2018-37 of 1 June 2018 on the organization and jurisdiction of the courts in the Niger provides that the courts must apply the customs of the parties in matters of family law, inter alia. Article 74 of the same Act adds that the courts must apply the law when parties governed by custom so request on the basis of a mutual agreement.

91. Hence, in the practice of customary marriage, the consent of the future spouses is of little importance, because it is the parents who decide whether it is appropriate for their child to marry and who choose their child's spouse, whether the child is male or female. In the case of civil marriage, however, it is the spouses themselves who decide to marry and who give their consent before the civil registrar.

92. The Niger does not yet have a Family Code, but a draft is currently under consideration.

93. The right to property is guaranteed for natural and legal persons and no one may be dispossessed of his or her property except if it is in the public interest and subject to fair and prior compensation. A victim of an infringement of his or her property right is free to take the matter to court. Property may be acquired through purchase, donation, a will, usucapion, inheritance or a court decision.

94. Every person has the right to inherit according to his or her familial relationship with the deceased, but some customs exclude women from inheriting land. Such customs, which are inconsistent with the law and international conventions, are dismissed in court. An awareness-raising and training campaign has been organized for opinion leaders, such as traditional and religious leaders, and also for judges, some of whom are not familiar with the content of international conventions.

95. Like freedom of thought, freedom of conscience and freedom of religion are recognized by the Constitution for all persons without distinction. The Niger, whose population is 99 per cent Muslim, has no interreligious conflicts. All religions coexist peacefully. Religious associations must submit an application to the authorities in order to be recognized and to be able to practice their faith freely. The main religious holidays, whether Muslim or Christian, are recognized as public holidays by law.

(e) Economic, social and cultural rights

Right to work

96. Article 33 of the Constitution provides: "The State recognizes that all citizens have the right to work. No one shall be subjected to discrimination in his or her work." In order to give effect to these provisions, the Government has established the Ministry of Employment, Labour and Social Protection and the Ministry of Youth Entrepreneurship. Act No. 2012-45 of 25 September 2012 (the Labour Code) guarantees all workers, without discrimination, the

effective enjoyment of the rights recognized by international conventions, including the fundamental conventions of the International Labour Organization. The major innovation introduced under Act No. 2012-045 of 25 September 2012 regards the legal recognition of emerging risks in the workplace. According to article 155 of the Act, “stress, smoking, alcoholism, drug addiction and HIV/AIDS constitute emerging health-related risks in the workplace”. All employers are required to inform and raise awareness among their employees about emerging risks and to provide employees with psychosocial support. Article 156 provides that an employer may not, in any circumstances, require a job applicant to undergo testing for HIV/AIDS or sickle cell disease prior to recruitment. Within the public administration, the General Civil Service Regulations, autonomous regulations and special regulations protect public officials from discriminatory acts.

97. The prohibition of racial discrimination is reaffirmed in the principle of equality of access to public employment, which prohibits discrimination between candidates on the grounds of religion, political opinion, ethnicity, race or sex. However, access to certain types of public employment is reserved for nationals, such as political positions and jobs in fields associated with the sovereignty of the State.

Right to form and join trade unions

98. Article 5 of the Labour Code states: “Without prejudice to the express provisions of this Code or any other legislative or regulatory text aimed at protecting women and children, or the provisions on foreign status, no employer shall take into consideration the sex, age, national extraction, social origin, race, religion, colour, political or religious views, disability, HIV/AIDS, sickle cell disease, membership or non-membership of a trade union or involvement in trade union activity when making decisions relating to recruitment, the conduct and distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment.”

99. Like freedom of association, the right to organize is guaranteed to all persons without distinction by article 34 of the Constitution, which provides: “The State recognizes and guarantees the right to organize and the right to strike, which must be exercised under the conditions provided for by the law and regulations.”

Right to housing

100. The right to housing is a right inherent to human beings. It is a State obligation to uphold that right even though its effective exercise is dependent on the availability of resources. Population distribution across the national territory is the result of an organic process involving a number sociocultural and ethnolinguistic factors. It is not a result of any discrimination on the grounds of race, ethnicity or religion. No district, area or neighbourhood houses communities that share only one language, race, religion, culture or social class. All communities live among one another.

101. Lessors or owners of houses for sale in no way discriminate between potential contracting partners on the basis of race, religion, ethnicity, culture or social class. According to the State’s social housing construction policy, the State and housing agents pay little heed to such criteria when allocating housing.

Right to public health, medical care, social security and social services

102. There is no discrimination in this area, in accordance with articles 12 and 13 of the Constitution, which recognize the right to health and the right to the highest attainable standard of physical and mental health. The State creates the conditions for the provision of medical services and assistance to all in the event of an emergency. Some medical services are provided free of charge for persons with disabilities, in accordance with article 9 of Decree No. 96-456 of 28 November 1996, which exempts persons with disabilities from consultation and hospitalization fees in application of Ordinance No. 93-012 of 2 March 1993 containing the minimum rules for the social protection of people with disabilities. Article 18 of Act No. 2007-08 of 30 April 2007 on the prevention, treatment and control of HIV provides that: “All persons living with HIV/AIDS shall receive medical and psychosocial assistance.” Article 20 of this Act states that health workers must provide medical care to

persons living with HIV/AIDS, without discrimination. The denial of care to persons living with HIV/AIDS by any health worker is punishable under article 37 of the same law.

103. The share of the overall State budget allocated to the Ministry of Health is 6 per cent. In the light of inflation, high demographic pressure and the economic recession, this amount is far from adequate for meeting current health needs.

104. However, there is strong political will to increase contributions to health funding. The State has therefore committed, through the second component of the Renaissance Programme of the President of the Republic, to devote 10 per cent of the State budget to health until 2020.

105. Achieving sustainable growth in health funding is one of the priority actions of the Health Development Plan 2017–2021 now being implemented. In addition to actively increasing the financial resources allocated to health care, innovative funding mechanisms will be set up.

106. Health care for pregnant women and children under the age of 5 and the treatment of women's cancers continues to be provided free of charge. In 2017, more than 3 billion CFA francs were distributed to health facilities. However, because payments are sporadic, health facilities often face shortages of drugs and consumables.

107. In order to improve the way that free health-care services are set up, the Government has issued guidelines on the decentralization of free health care for local authorities. The State also plans to establish a social fund for health, which should eventually cover the cost of health care provided free of charge.

108. Health coverage (proportion of the population living within 5 kilometres of a health facility) improved between 2016 and 2017, rising from 48 to 50 per cent. The proportion of births assisted by trained staff remains low, despite a modest increase from 37 to 39 per cent between 2016 and 2017. To improve the quality of care during childbirth in rural areas, a network of more than 2,500 health centres and more than 10,000 community intermediaries has been set up to provide curative, preventive and promotional care for women and children.

109. The State is deploying considerable resources to ensure that all communities are committed to vaccination and to combat harmful beliefs that hinder vaccination. Religious and customary leaders participate in social mobilization, awareness-raising and the search for those individuals who fail to return for follow-up appointments, as well in addressing the refusal to vaccinate in some communities.

110. Workers' right to social security is guaranteed by the National Social Security Fund, which was established pursuant to Act No. 2003-0034 of 5 August 2003. The Fund is responsible for running the various social security schemes for employees provided for in the Labour Code in a non-discriminatory fashion.

Right to education and training

111. Access to public educational and vocational institutions is free for all persons, regardless of race, ethnicity or social origin. School is mandatory for all children up to the age of 16. There are thus no inequalities between ethnic groups in education or vocational training. The Ministry responsible for basic education, with support from technical and financial partners, has taken several measures to ensure that children from the poorest families are enrolled and remain in school. These include:

- Increasing the number of school canteens and mobile schools
- Distributing dry rations to female pupils
- Mentoring, particularly for female pupils
- Providing training on gender-based approaches, remedial teaching and the mentoring system for 1,956 teachers and 8 focal points responsible for the enrolment of girls in each region in 2011

112. The disparity between girls and boys persists in the Niger. However, remarkable progress has been made in this area, as evidenced by the gross enrolment ratio and the primary education completion rate. For girls, the gross enrolment ratio increased from 64.7 per cent

in 2013 to 72.1 per cent in 2017, while their primary education completion rate increased from 44.3 per cent to 72.9 per cent over the same period.

113. The Niger will further improve these indicators through the adoption of Decree No. 2017-935 of 5 December 2017 on support for and the protection of young girls in school. This instrument represents a decisive step for the country by introducing the application of a raft of measures to promote girls' enrolment in school.

114. In addition to French, which is the official language, English, Spanish, Arabic and the national languages are taught in some schools.

115. With regard to the right of persons with disabilities to education, various decisions have been taken, including the decision, contained in Circular No. 000311/MEN/DGEB/DEBI of 7 December 2007, to waive the school-enrolment age for children with disabilities. In this Circular, the Ministry of Education, conscious of the problem of the educational inclusion of children with disabilities, whose growth lags far behind that of others owing to the effects of their disability, called on regional directors of education to waive the enrolment age for these children (up to the age of 12) in primary schools in their respective regions.

116. As regards scholarships, every student with disabilities enrolled in the secondary school level who holds a medical diagnosis certificate drawn up in accordance with article 1 of Decree No. 2010-761/PCSRD/MESS/RS of 9 December 2010 establishing the requirements for granting scholarships, is entitled to a university scholarship with a two-year age-bonus compared to other students. This provision was recalled in Circular No. 0017/PRN/DIRCAB of 9 January 2012.

Right to equal participation in cultural activities

117. The Constitution recognizes that all persons have the right to participate in cultural life without discrimination. The State encourages all groups protected by the Convention to take up recreational activities to preserve and develop their culture. It is in this context that the National Week of Joking Kinship, the annual festivals of nomadic herders including the Cure Salée and the Hotoungo, the Dalweyzé Traditional Song Festival, the Dan Gourmo Prize for Modern Music in the Niger and the Aïr Festival were established. These events contribute to the promotion and protection of cultural and traditional values. A ministry specifically dedicated to the cultural renaissance was established in 2016.

118. The public and private media broadcast informational, awareness-raising, cultural and religious programmes in all languages that have national-language status.

119. 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 must facilitate the participation of persons with disabilities in national and international competitions. A second traditional wrestling competition for blind persons has been held this year. These sporting activities are managed by the Niger Federation of Sports for Persons with Disabilities, which was founded in October 1999 under the technical supervision of the ministry responsible for sport.

Right of access to any place intended for use by the general public

120. Access to public places is free and non-discriminatory. By law, no limitation or restriction may be placed on the right of access to public places on the grounds of race, colour or ethnicity.

2. Information by relevant groups of victims or potential victims of racial discrimination

121. In the Niger, civil registration systems, including birth registration, are inadequate in many respects. As a result, childbirths are very often not recorded in official statistics. Without a formal identity, these children are sometimes excluded from basic services, such as education and health care. As adults, they may not enjoy certain rights as citizens or be able to participate in public life. For reasons related to their social status, this marginalization is even more pronounced among children from communities of descendants of slaves.

122. To allow persons “of servile origin”, particularly children not registered at birth, to acquire civil status documents, the Project against Forced Labour and Discrimination supported a mobile campaign to issue civil status documents in the communities concerned. The operation led to the issuance of 1,200 birth certificates. In addition, the media coverage received by the campaign helped to raise awareness among the general public and the public authorities.

123. In the Niger, women are subjected to several harmful traditional practices, including female genital mutilation. Measures have been taken to promote the rights of women and girls and progress has been made with regard to female genital mutilation. Four hundred and forty-four villages have publicly declared that they will abandon practices that harm the health and well-being of girls and women. The prevalence of such practices fell from 2.2 per cent in 2006 to 2 per cent in 2012.

124. The Niger is a predominantly Muslim country. Religious leaders are thus of crucial importance to the social functioning of the community and the culture. Most communities are based on a patriarchal system.

125. The level of representation of women in decision-making bodies significantly increased in 2016. There are 27 female members of parliament, 11 female ministers, 8 female mayors, 36 female regional councillors, 584 female municipal and district councillors, three female political party leaders and one female prefect.

126. Generally speaking, women are present in all sectors of the economy. However, their low economic capacity prevents them from effectively participating in profitable and better remunerated production activities. The State and its partners have implemented strategies, programmes and projects in order to improve their situation. Specific examples include the formulation of the National Strategy for the Economic Empowerment of Women in 2017; a social safety nets projects; and a programme for the empowerment of women and local development in the region of Tahoua, which has been funded by the Italian Agency for Development Cooperation since August 2015. This programme has reached 13,540 women, who, collectively, have been provided with 60 mills, 9 husking machines, 240 donkey carts and 2,400 improved stoves.

127. The confinement practiced in some regions limits women’s opportunities for participation in public life and decision-making.

128. Women’s access to land in some parts of the country is a particularly pressing problem, despite the fact that religion recognizes women’s right to inherit. In some regions this sharing of land rights, as recognized by religion, is not applied because of particular customs. Therefore, to promote women’s rights, core groups of trainers have been set up in each region to conduct awareness-raising campaigns on various themes, including the inheritance of land by women.

129. The Niger has a high rate of child marriage. Currently, 76.3 per cent of girls are married before the age of 18 and 24 per cent are married before the age of 15. Efforts are being made to reduce this rate. Major programmes are under way, such as the “Illumin” initiative for teenage girls, which is specifically designed to reduce the rate of child marriage and early pregnancy. In 2018, 1,471 girls decided not to get married or postponed their marriages and 4,392 girls received training in electrical equipment repair, mechanics, mobile phone repair, solar panel installation, plumbing, rural mechanics, photography and radio broadcasting to help them to achieve economic autonomy. In addition, a National Action Plan to Combat Child Marriage has been drawn up and approved.

130. As for the protection of children in general, and with particular regard to discrimination and stigmatization, the Government has taken the following legal, administrative and social measures:

- Adopted national guidelines on the care of vulnerable children in 2010
- Formulated and adopted standards on the care of children during emergencies in 2018
- Formulated and adopted a national policy for the administrative protection of children from violence, abuse and exploitation

- Implemented the national policy on juvenile judicial protection
- Adopted an amended national gender policy in 2017
- Formulated a national strategy for preventing and responding to gender-based violence in 2017
- Formulated and adopted a health development plan in 2017
- Formulated and adopted a national action plan to combat trafficking in persons for the 2014–2018 period
- Adopted an amended national policy to combat child labour in 2017
- Carried out a project to combat child labour in the agricultural sector
- Established several shelters and care centres for vulnerable children

131. As part of efforts to combat child trafficking and child marriage, in 2016 and 2017 local services run by the Ministry for the Advancement of Women and Protection of Children provided care to 179 victims of child trafficking. They also successfully prevented 360 child marriages through advocacy and awareness-raising.

132. As a result of the communication activities carried out by these services, NGOs and associations, some village leaders have become involved in raising awareness and preventing child marriage where they live.

Article 6

Right of victims to a remedy

133. There are some cases of racial discrimination in the Niger that have resulted in court decisions. These cases were mentioned in the information provided in relation to article 4.

134. In the Niger, a number of institutions, by virtue of their legal status, are authorized to hear cases involving certain acts of discrimination. One example is the National Human Rights Commission, which, pursuant to article 19 of Act No. 2012-44 of 24 August 2012 on the composition, organization, competencies and functioning of the National Human Rights Commission, has a mandate to receive and investigate complaints of human rights violations.

135. The State and civil society organizations, for example the National Agency to Combat Trafficking in Persons and Smuggling in Migrants, conduct awareness-raising campaigns throughout the country.

136. In the Niger, justice is dispensed in the name of the people. Redress procedures for racial discrimination are free of charge. Care facilities for victims offer assistance free of charge.

137. The establishment of a community police force, focal points and specialized units testify to the fact that victims have confidence in the mechanisms in place in this area.

138. Customary and religious leaders, judges, diplomatic and consular staff, and defence and security forces receive capacity-building training on human-trafficking-related issues from the National Agency to Combat Trafficking in Persons and Smuggling in Migrants.

139. Campaigns are conducted to increase stakeholder's familiarity with the relevant legislation.

140. The National Agency for Legal and Judicial Assistance has opened local offices attached to the 10 courts of major jurisdiction. There are plans to extend this network at a more local level. Between 2015 and the end of 2017, around 10,000 people received legal assistance from the Agency's local offices and at awareness-raising sessions and legal clinics organized by United Nations volunteer legal officers in short-stay prisons. As regards judicial assistance, around 1,850 persons have benefited from the services of court-appointed defence lawyers or lay counsel.

141. Court-appointed lawyers and counsel, whose wages are paid by the Agency, are assigned to victims who have not hired a lawyer for themselves. These lawyers may also

represent victims in the courts and thus spare them the inconvenience of having to appear in person.

142. In addition, the law provides for mechanisms designed to reassure victims, such as anonymous testimony or testimony by videoconference and police protection.

143. Law enforcement agencies are sensitized to discrimination issues. The National Agency to Combat Trafficking in Persons and Smuggling in Migrants has offices at the regional, departmental and municipal levels in order to strengthen its network throughout the country. The police force has established specialized units, such as the Central Service for the Protection of Women and Minors and the community police force, and has placed focal points in various units in order to build trust. In addition, a central department for the protection of women and minors has been set up within the National Guard.

144. The Office of the Ombudsman is authorized to receive complaints from any citizen who claims to have been aggrieved by the public administration, provided that the dispute has not already been brought before the courts.

145. There are several types of redress for victims of racial discrimination. A special compensation fund for victims of trafficking and discrimination has been set up but is not yet operational.

146. The publication of court decisions is also a means of reparation for victims, who derive moral satisfaction from the fact that the acts to which they were subjected have been disclosed and made known to the public.

147. Other forms of redress consist in reinstating the victim in his or her former position and awarding damages.

148. In civil proceedings, the burden of proof for racial discrimination cases lies with the victim or the plaintiff.

149. The procedure for making the optional declaration provided for in article 14 of the Convention has been under way since 24 December 2018.

Article 7

Education and information on the prohibition of racial discrimination

150. According to the Act on the Education System in the Niger, one of the aims of the education system is to “identify and eradicate socioeconomic and cultural barriers, educational disadvantages and other obstacles to the full development of girls and women in the learning process”. The Act also recognizes the right to education for all, without distinction as to age, sex or social, racial, ethnic or religious background. Article 8 reaffirms the State party’s respect for its international commitments in the sphere of education. In 2000 the Niger adopted the Dakar Framework for Action on Education for All, in accordance with the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, ratified by the Niger in 1968.

151. The Sectoral Education and Training Programme has revealed significant disparities between rural areas – home to more than three quarters of the population – and urban areas in terms of the provision of schooling at all levels.

152. The Sectoral Education and Training Programme sets out the following strategic approaches intended to make the education system more equitable:

(a) A strategy for the fairer allocation of resources, both between regions and between urban and rural areas, centred on the identification of a distribution formula for new school construction and teacher recruitment that takes into account the disparities between regions and between rural and urban areas; the revision of school mapping standards, the adoption of regulations and the effective application of school mapping criteria, including for the establishment and management of schools (including full-size monograde schools, multigrade schools with two, three or six levels, depending on population density, and nomadic schools); the introduction of a module on multigrade class management in teacher training colleges from the start of the 2013/14 academic year; the organization of continuous

learning for teachers responsible for multigrade classes; awareness-raising among regional and local administrative and political authorities on the need to respect school mapping regulations; the redeployment of surplus teachers from urban to rural areas – a measure taken on the basis of redeployment criteria agreed in consultation with teachers' unions and taking into account teachers' qualifications, sex and category (permanent or contract); the improvement of the hardship allowance mechanism; and the dissemination of Decree No. 2017-935 on protection, assistance and support for girls attending school;

(b) A national strategy for school enrolment of girls, with the objectives: (i) to improve access and retention of girls at all levels of education and training; (ii) to increase social demand for girls' education and training; and (iii) to improve the institutional framework for girls' education and training.

153. To attain these objectives, the Government has taken several measures, including the provision of study grants and education allowances for girls in vulnerable situations enrolled in basic cycle 2. The Ministry of Primary Education, Literacy, Promotion of National Languages and Civic Education, with the support of NGOs, the World Food Programme and the Quality Education Support Project, introduced the payment of allowances, either in cash or in dry food rations, to girls in the final two grades of primary education (CM1 and CM2), who are most likely to drop out of school. Furthermore, with the support of the same partners, the ministries of primary education, secondary education and vocational and technical education organize awareness campaigns in which messages are broadcast via television and radio in areas where resistance to girls' education is strong owing to the influence of religious and traditional chiefs and opinion leaders.

154. The strategy for the education of children with special needs has two dimensions. The first concerns the improvement of the existing supply of special needs education and the second relates to the preparation of the necessary conditions for such supply to be expanded as appropriate.

155. Improving the quality of the existing supply involves the following activities: (i) enhancing the quality of education in specialized schools and improving school leavers' access to basic cycle 2; (ii) increasing access to inclusive classes in a gradual and equitable manner; (iii) recruiting teachers for inclusive classes on a voluntary basis and granting special bonuses; (iv) improving teacher training on support for children with motor disabilities; (v) systematically building classrooms with ramps to allow better access for children with motor disabilities; (vi) including a cubicle adapted to the needs of persons with motor disabilities in the latrine building module; and (vii) raising awareness of inclusive education among parents, school principals and teachers.

156. The activities that are under way with a view to expanding special needs education include: (i) the identification of mechanisms and conditions to ensure the sustainable provision of education tailored to children with special needs; (ii) the development of content for the initial training of teachers, taking into account relevant psychological aspects and screening techniques for common disabilities; (iii) the identification of incentive mechanisms for teachers; (iv) the formulation of an action plan to increase the availability of inclusive education, taking into account the country's constraints in terms of human resources (teachers), financial resources and the mapping of disabilities; and (v) the identification of funding mechanisms for inclusive education, taking into account different actors (government, civil society and parents).

157. Before the coming of democracy, human rights education in the Niger was not included in the curriculum and was limited to isolated and fragmented experiments in some schools and vocational training centres. However, as a result of the profound changes that have taken place in society and the country's commitment to what has become an irreversible democratization process, human rights education is now a genuine instrument for deepening the ideals of democracy, freedom, equality and peace. The authorities have signalled their commitment to including human rights education in the curriculum, and it has thus become a fully fledged discipline. The ministries in charge of education and vocational training, with the support of the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, have developed textbooks on human rights for use in schools, and have also engaged in capacity-building for teachers following a pilot

phase in Niamey. Notions relating to tolerance and a culture of peace and non-violence are addressed through a subprogramme on civic and moral education. The themes contained in these textbooks conform to the purposes and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights, as confirmed by article 2 of Act No. 98-12, which states that “education is a right of every citizen of the Niger”, and by article 14 (2) of the same Act, which states that one of the objectives of the education system is to “guarantee all young people access to education without discrimination”.

158. The textbooks produced by the ministries responsible for education have been the subject of significant revision over the past decade. The changes made reflect the cultural values of the Niger, emphasizing national unity and human dignity and rejecting images and characters which are degrading or are based on stereotypes and social prejudices. Reforms of educational programmes have allowed teachers and publishers from the Niger to develop new textbooks to replace foreign ones that are incompatible with local realities. These textbooks are reviewed and validated by a committee of inspectors, education advisers and publishing experts.

159. Several training courses have been provided to law enforcement officers to ensure that they respect and protect human dignity and uphold human rights without distinction as to race, colour or national or ethnic origin.

160. A number of associations and NGOs are working in the field of human rights in the Niger, some of them specifically on the promotion of racial equality, peace and mutual tolerance. For example, the association Timidria and the NGO HED Tamat conduct awareness campaigns and training to eliminate racial prejudice and to nurture peace and tolerance. In the run-up to the 2016 general election, the NGO Collectif des Organisations de Défense des Droits de l’Homme et de la Démocratie (Group of Organizations for the Defence of Human Rights and Democracy) trained 120 young people on how to build and maintain a culture of peace. In addition to the activities of these associations and NGOs, the National Human Rights Commission provides legal assistance to the public. Inter-ethnic marriages and the practice of “joking kinship” have helped strengthen relations between different ethnic groups.

161. The importance that the Government attaches to national cultures and traditions is highlighted by the establishment of a ministry responsible for cultural renaissance and by the provision of technical and financial support to media, associations and NGOs that promote cultural diversity.

162. The Centre for Leather and Art Trades of the Niger is a social public entity that provides training on request, advanced training and apprenticeship training for young people. In October 2018, the centre welcomed the first intake of students – 260 girls and boys selected from all regions of the country – to pursue training that would result in a craft qualification. After two years of training, the students will have a knowledge of cultural heritage in the application of various skills, while leveraging new technologies in order to be competitive at the national and international levels. At the same time, the Centre also provides skills training for 100 young people every 6 months.

163. In the Niger, the media (television, radio, newspapers and online press) play a significant role in disseminating information to improve knowledge of human rights. The media also cover the activities of associations, NGOs and State institutions.

164. The right to information is enshrined in article 31 of the Constitution, which 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.” Accordingly, information is disseminated in all the languages spoken by the country’s different ethnic groups.

165. Public and private media play a crucial role in informing, educating and raising the awareness of communities in urban and rural areas. Under Act No. 2018-23 of 17 April 2018 on audiovisual communication, audiovisual communications media must:

- Provide programming that is varied, balanced and directed as broadly as possible at men, women and children of all ages, interests and tastes; and which informs, enlightens and entertains.

- Draw on local, regional, national and international sources.
- Include educational programmes and make extensive use of producers from the Niger.

166. Article 24 of the Act provides that “programming broadcast by audiovisual communication companies must reflect the concerns of audiences in urban and rural areas and include programmes which inform, disseminate, educate and raise awareness”.

167. The High Council for Communications ensures that programmes do not in any way seek to incite hatred or violence on the grounds of race, sex, morals, religion or nationality. This institution is equipped to monitor broadcast media throughout the country; software for the monitoring of 33 radio and 12 television services was installed in 2016.

168. Media professionals regularly receive ethics training organized by the High Council for Communications, the Niger Independent Observatory for Ethics and Professional Conduct in the Media and other associations working in the field with State funding or support from partners. This training encompasses human rights.

169. Article 49 (2) of Ordinance No. 2010-35 of 4 June 2010 on freedom of the press defines defamation as any allegation or charge that harms the honour or reputation of the person or entity against which it is made.

170. Article 49 (4) of the same Ordinance states that any offensive expression, term of contempt or invective which does not contain any particular charge constitutes an insult. Nevertheless, these press offences are punishable only by fines. These provisions thus ensure that journalists enjoy a certain freedom in the exercise of their profession.

171. Public and private media cover certain activities that strengthen national unity and social cohesion, including:

- The Sukabé artistic and cultural integration festival, which each year brings together children from a particular subregion for a week of recreational, athletic and cultural activities during the school holidays
- *La petite école* (The Little School), a national television programme in which primary-school children recite, sing and dance with the presenters
- The Aïr festival
- The national traditional wrestling championship

172. In 2005, the Niger embarked on a major overhaul of its curriculum. As part of that process, members of curriculum development teams were trained in gender issues, with the cooperation of the NGO CARE International, in order to eliminate the stereotypes that can be found in school textbooks. Similarly, textbook editors received training, provided in partnership with the NGO Humanity & Inclusion, which allowed them to develop subprogrammes on sign language and Braille so as to take into account the specific needs of persons with disabilities.

173. The new curriculum currently under development includes subprogrammes on history and on art and culture. The documents that have been prepared in that regard recall the history and culture of the different ethnicities of the Niger, adapted to local circumstances. Furthermore, the State has decided that basic skills should be taught in the mother tongue of the learner. In keeping with the spirit of the Convention, textbooks have been produced in 8 of the country’s 10 national languages; textbooks in the other 2 languages are still under development.

Part three

Follow-up to recommendations made following the review of the previous report

174. Following its consideration of the previous report of the Niger, the Committee adopted concluding observations in which it expressed its main concerns about the challenges to the

implementation of the Convention. Replies detailing the State's follow-up to the Committee's recommendations are provided below.

Definition of racial discrimination and its classification as an offence

175. The Niger, as a signatory to the Convention, has an obligation to abide by it. Accordingly, an action plan was drawn up – and adopted by the Council of Ministers on 27 October 2017 – for action to be taken in respect of all recommendations made by the treaty bodies or in the framework of the universal periodic review, through national legislation and in conformity with international agreements, including the Convention.

176. Article 102 of the Criminal Code is in the process of being amended so as to bring it into line with article 4 of the Convention. The Ministry of Justice is drafting the amendment.

177. Article 2 of the Code of Civil Procedure provides that the Convention may be invoked before the courts. The population and justice officials are aware of this possibility, thanks to numerous training initiatives for judges and the general public, the dissemination of the Convention in national languages on the radio, and awareness-raising activities.

178. Article 8 of the Constitution touches upon racial discrimination but does not define it. The same is true of article 102 of the Criminal Code. Although the Niger does not have a definition of discrimination within the meaning of the Convention, any kind of act based on racial discrimination not only is prohibited by the Constitution but is severely punished under criminal law. Furthermore, legislation enshrining the equality of citizens before the law is intended to banish all forms of discrimination. The prohibition of racial discrimination may be regarded as absolute.

179. Nevertheless, naturalized citizens of the Niger are required to observe a waiting period before they can hold public-sector jobs, at least in strategic sectors.

180. To encourage certain ethnic groups to participate in the conduct of public affairs, electoral laws have been passed to create special constituencies for the Tebu, Gourma, Fulani, Tuareg and Arab populations.

National human rights institution

181. The National Human Rights Commission is an independent administrative authority responsible for the effective exercise and the promotion of fundamental rights and freedoms. Established in 2012, it has extensive powers to investigate all human rights-related issues (Act No. 2012-44 of 24 August 2012, art. 30). To this end, it may receive:

- The complaints of victims, their dependants, human rights associations and NGOs and any other natural or legal person concerned
- Witness statements
- The statements of alleged perpetrators

182. In March 2017, the Commission was granted A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, based in Geneva.

183. Although the Commission receives annual subsidies from the State, these are not sufficient for it to discharge its mandate.

184. The Commission has produced a number of reports.

- At the national level:
 - 2013–2014, 2015–2016 and 2017 activity reports on the human rights situation in the Niger, all of which have been submitted to the parliament.
- At the international level:
 - 2012 alternative report to the Committee on the Rights of the Child

- 2018 alternative report to the Committee on the Rights of Persons with Disabilities
- Alternative report to the Committee on the Elimination of Discrimination against Women, covering the period 2005–2012
- Alternative report to the Committee on Economic, Social and Cultural Rights, covering the period 1988–2015
- 2015 alternative report to the Human Rights Committee
- At the regional level:
 - Alternative report to the African Committee of Experts on the Rights and Welfare of the Child, covering the period 2005–2011

Practice of slavery and descent-based discrimination

185. Ministry of Justice statistics for 2016 show that article 270, paragraphs 1 to 4, of the Criminal Code, on slavery, and article 10 of Ordinance No. 2010-86 of 16 December 2010, on combating trafficking in persons, have been applied by the courts of the Niger. In that regard, 24 persons have been convicted of practising trafficking and slavery, with various sentences handed down. These convictions followed complaints filed by anti-slavery organizations and by the victims themselves. A total of 30 victims received support from the National Agency for Legal and Judicial Assistance.

186. Since its establishment, the National Agency to Combat Trafficking in Persons and Smuggling in Migrants has carried out numerous awareness-raising activities on a variety of topics, aimed at traditional chiefs, religious leaders, residents of cities and villages affected by trafficking, and anti-trafficking and anti-slavery organizations. In addition, the recently established ministry responsible for the cultural renaissance conducts media campaigns to raise awareness among the same actors.

187. Anti-trafficking and anti-slavery organizations, one of the most active of which is Timidria, also carry out awareness-raising initiatives to encourage victims to take ownership of the laws against slavery and trafficking and, above all, to persuade them to file complaints. They also support victims by providing legal and judicial assistance.

188. Steps taken by the Government to combat slavery and servitude include the development of a module on the trafficking and smuggling of migrants to be studied by trainees at the Judicial Training Academy of the Niger.

189. Current legislation is in harmony with international legal instruments, specifically the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and is more than sufficient to respond to the practice of slavery and descent-based discrimination. Nevertheless, deliberations are ongoing with a view to better defining racial or ethnic discrimination under article 102 of the Criminal Code.

Lack of racial discrimination complaints filed

190. To facilitate access to justice for the most vulnerable in society, the National Agency for Legal and Judicial Assistance was established as a public administrative body under Act No. 2011-42 of 14 December 2011. Its purpose is to ensure that legal and judicial assistance are available to certain categories of vulnerable persons and to those who cannot afford the cost of a trial. Accordingly, it has opened local offices in all courts of major jurisdiction.

191. NGOs and the National Human Rights Commission have been informed of the Agency's existence and they refer victims to it as necessary. The law empowers associations to institute civil proceedings on behalf of victims in cases related to slavery.

192. In 2016, 229 persons were prosecuted and 178 were tried by the courts. This amply demonstrates that communities, anti-slavery organizations and victims have taken ownership of the laws on trafficking and slavery and are increasingly bringing cases to court.

193. To improve support for victims, the National Agency to Combat Trafficking in Persons and Smuggling in Migrants, the Office of the Ombudsman, the National Human Rights Commission and the National Agency for Legal and Judicial Assistance have set up local offices. It is thus easy for victims to file complaints.

Customary practices that are harmful to women

194. Although there is no official Family Code, the Niger has assorted laws governing this issue, including the Civil Code and the Act on the Organization of the Justice System, which prescribes that custom shall be applied when it is not contrary to public order and morality, to the law, or to international agreements ratified by the Niger. Under this Act, the courts must reject the custom whereby women are unable to inherit land or freely choose their spouse. The State and organizations for the defence of children's and women's rights conduct awareness campaigns among traditional and religious leaders in order to eradicate the practices of forced marriage and impairment of women's right to inherit land. Moreover, women are sensitized to the possibility of applying to the courts if their rights are violated.

195. To better tackle the issue of trafficking in women and children, a bill amending and supplementing Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons is in the process of being adopted.

196. The draft personal status code is intended to end legal pluralism and clarify men's and women's responsibilities in the home. However, it has not yet been adopted.

197. With a view to gradually eliminating customary practices that are harmful to women and ensuring that women enjoy the full exercise of their rights, community approaches are being pursued to raise public awareness about such practices, particularly among traditional leaders. These approaches include:

- The holistic approach to the abandonment of female genital mutilation. According to the 2018 activity report of the Ministry for the Advancement of Women and Protection of Children, 514 villages and hamlets publicly declared their abandonment of the practice; 176 former circumcisers were retrained in other income-generating activities; 280 village oversight brigades carried out monitoring and awareness-raising in communities; 33 women's groups were established, comprising a total of 833 women, including former circumcisers, and microcredits were granted to interested members; 514 village child protection committees, each comprising 11 members, were established; community dialogues were held in 70 villages, focusing on intergenerational exchanges, with 25 community leaders selected and discussions held on the topic of female genital mutilation.
- The "schools for husbands" approach. There are now 1,047 functioning schools for husbands, which provide a forum for discussion, decision-making, action, analysis and exchange on obstacles to reproductive health and for the identification of solutions adapted to the local context.
- The child protection approach. Meetings are organized in which community facilitators host educational dialogues on topics related to social mobilization, human rights, hygiene and disease prevention, sexual and reproductive health, child protection and harmful practices. The following outcomes were achieved:
 - Participation of 544 villages, or 4 per cent of administrative villages of the Niger.
 - Public declaration by 444 villages that they will abandon practices that are harmful to the health and well-being of girls and women.

- Direct participation of 15,108 women and adolescent girls in the educational dialogue programme. Traditional leaders involved in development activities through community approaches.

198. Customary practices that are harmful to women essentially consist in female genital mutilation, early marriage and forced marriage. With awareness-raising, these practices tend to disappear.

Special measures

199. The purpose of Act No. 2018-22 of 27 April 2018 setting out the basic principles of social protection is “to guarantee the social protection of vulnerable persons and persons at risk of becoming vulnerable in accordance with the national social protection policy. It provides for the full enjoyment of recognized fundamental human rights.” Article 8 adds that “vulnerable persons, including children and persons with disabilities, have the right to be educated and brought up in decent conditions. They have the right to an inclusive education throughout their lives. For that purpose, they shall be supported by the State, local authorities, the private sector and any other natural or legal persons”. According to article 9, “all vulnerable persons have the right to social security”. Article 19 provides that “vulnerable persons shall receive free health care. Public health and development policies shall ensure free health care, habilitation and rehabilitation for vulnerable persons, through consultations, examinations and treatment, including medical evacuations, upon presentation of their national solidarity card”.

200. To improve access to health care for vulnerable groups, particularly women and children, the Government has taken steps to exempt them from payment for the following services:

- Prenatal consultations
- Caesarean sections and treatment for gynaecological cancers
- Family planning
- Treatment of obstetric fistula
- Vaccinations
- Medical care for children under 5 years old
- Treatment of certain endemic diseases such as HIV and tuberculosis

201. Other initiatives, such as consultations in the community and mobile clinics, are being implemented to facilitate access to care for vulnerable groups. These strategies make it possible to extend care to communities who live far from health centres and in hard-to-reach areas.

202. The progress made by the State and its partners in meeting basic health-care needs has contributed to improvements in certain impact indicators, such as infant and child mortality, and in most performance indicators. For example, the proportion of births attended by skilled personnel was 29.03 per cent according to the 2012 demographic and health multi-indicator cluster survey; the proportion of children who are fully vaccinated is now 52 per cent; the HIV/AIDS prevalence is just 0.4 per cent; the prevalence rate for use of modern contraceptive methods among married women was 12.2 per cent according to the fourth demographic and health multi-indicator cluster survey, carried out in 2012; and wild poliovirus transmission has been eliminated. According to the World Health Organization, in 2018 the tuberculosis incidence rate in the Niger was 90 cases per 100,000 inhabitants.

203. To combat discrimination, the Project against Forced Labour and Discrimination was implemented from 2006 to 2008; a second phase of the project ran from January 2014 to March 2016.

204. The overall objective of the second phase was to significantly reduce the number of victims of forced labour and, in particular, occurrences of its worst forms.

205. As a result of strategic discussions and cooperation with the relevant authorities, the Niger became the first country to ratify, on 20 April 2015, the Protocol of 2014 to the ILO Forced Labour Convention, 1930.

206. Two regional training workshops were organized for traditional chiefs from the eight regions of the country. The workshops covered: (i) notions of forced labour and other related concepts (slavery, trafficking in persons, migrant smuggling, servitude, etc.) and the forms that these practices take; (ii) the content of the main national and international legal instruments adopted by the Niger as part of its efforts to combat forced labour and discrimination; and (iii) the role of traditional chiefs in the eradication of forced labour.

207. In implementing the Project against Forced Labour and Discrimination, it was decided that the most viable approach for eradicating traditional slavery at the root was to make education part of a comprehensive strategy for the emancipation of marginalized groups, in this case children of slave descent. Providing children with schooling increases their chances of integrating into society while ensuring respect for fundamental human rights on a sustainable basis.

208. In the framework of the Project, support and funding were provided to Timidria and Anti-Slavery International for the technical design, publishing and distribution of an advocacy brochure entitled “To invest in education is to end slavery”. The brochure was also used to promote and raise awareness of a pilot scheme to support the education of children from disadvantaged backgrounds in community schools; that scheme has been successfully implemented by Timidria and Anti-Slavery International in the department of Tchintabaraden.

209. Advocacy initiatives led to the adoption by the Ministry of Primary Education, Literacy, Promotion of National Languages and Civic Education of Order No. 448 of 4 December 2015 establishing, from 1 December 2015, canteens in the six community schools participating in the pilot scheme. At the same time, infrastructure projects (such as borehole drilling and classroom construction) were completed in the villages concerned, with funding from the State or from its technical and financial partners, so as to build on the achievements of the community schools. All of these efforts contributed to ensuring acceptable conditions of learning for almost 400 disadvantaged students.

210. Another initiative supported through the Project was introduced to promote the autonomy of households of servile origin in the rural commune of Tajaé, Tahoua region. A total of 25 fields, 20 cows and 5 carts were granted to 50 heads of household of slave descent, including 29 female heads of household, benefiting 359 persons of servile status, including 189 women.

Exploitation of natural resources

211. The security of all mining sites is guaranteed by the constant presence of the Defence and Security Forces. The Government spends approximately 15 per cent of the national budget on ensuring the safety of persons and property.

212. No mining project can be carried out without a prior environmental impact assessment, which is carried out by a government department called the Bureau for Environmental Assessment and Impact Assessments.

213. Public consultations are held with the communities concerned prior to the launching of projects in order to discuss any environmental concerns.

214. To ensure transparency in the management of mineral resources, all mining-related agreements must be published in the official gazette. Revenues generated by mining are managed in a fully transparent manner in line with a pre-established legal framework.

215. Article 95 of the Mining Act (Ordinance No. 2017-03 of 30 June 2017) provides that revenues from mining will be allocated as follows:

- 85 per cent to the national budget
- 15 per cent to the budget of the local authorities concerned, to fund local development

216. The mining royalty is calculated at 5.5 per cent of the sale price and is paid by the production company or producer in advance, when the products are shipped. The proceeds of the sale must be transferred to a bank account opened in a commercial bank approved by the Government of the Niger.

217. Upon signature of a mining agreement, producers undertake to use a percentage of their sales to contribute to the development of the areas in which their mining facilities are located. The amount of their contribution is specified in a memorandum of understanding signed with the Ministry of Mining. In 2016, the mining companies Société des Mines de l'Aïr (SOMAIR) and Compagnie Minière d'Akokan (COMINAK) purchased local goods and services to the value of 71 billion CFA francs, equivalent to 56 per cent of the two companies' total purchases.

218. Priority is given to local expertise for certain job functions and for subcontracted services. As of the end of 2016, 3,800 contractual and subcontractor posts had been created.

219. With regard to the development of the municipalities in which mines are located, between 2012 and 2016, SOMAIR and COMINAK invested approximately 6 billion CFA francs in projects to support the development of local communities in the fields of education, health infrastructure and access to water, among others.

220. The mining companies have undertaken to develop the Irhazer Valley in a manner conducive to market gardening and to repair the road linking Tahoua and Arlit.

221. Mining does not prevent people in the area from going about their normal activities. Following the environmental impact assessment, compensation is paid to owners whose land is affected or expropriated, in accordance with Act No. 61-37 of 24 November 1961 on expropriation in the public interest, as amended by Act No. 2008-37 of 10 July 2008.

Management of conflicts between nomadic populations and other groups

222. Conflicts between nomadic populations and other groups, particularly between herders and farmers, arise during two periods of the year: the growing season and the harvest season. They are triggered by crop damage caused by animals as they move towards pastureland or as they head for farmland during the harvest season.

223. The Government of the Niger has consistently taken the following measures to prevent such conflicts:

- Organizing forums on peaceful cohabitation, bringing together the various actors and customary administrative authorities
- Establishing transhumance corridors to allow the free movement of animals
- Preventing animals from descending into farmland prior to harvests
- Organizing security patrols to prevent conflicts
- Reaching a common agreement on the dates for opening and closing fields in order to prevent crop damage and allow animals to benefit from crop residues
- Awareness-raising for an amicable settlement in the event of damage to lands

224. These conflicts between farmers and herders also arise from pressures on natural resources and their misuse. They often occur around water holes or in farming areas and result in animals being injured, crops being damaged or even deadly clashes.

225. In order to address the situation, the Government has set up administrative and sociocultural management mechanisms, in addition to legal mechanisms.

226. Although courts have been set up specifically to deal with such matters, various laws to supplement the Rural Land-Use Code have also been drafted. Measures to implement the Act on pastoralism have also been adopted. Attention is drawn to the following Acts and Bills:

- Act No. 2017-27 of 28 April 2017 on leaseholds
- Decree No. 2013-003/PRN/MEL of 4 January 2013 on the operating procedures of the joint committees responsible for conciliation in the settlement of disputes between farmers and herders
- Decree No. 2013-028/PRN/MAG/EL of 23 January 2013 on practical arrangements for the national inventory of pastoral areas and pastoral resources
- Decree No 2016-306/PRN/MAG/EL of 29 June 2016 on the rules governing seasonal migration routes and corridors
- Decree No 2016-510 /PRN/MAG/EL/MEDD of 16 September 2016 on conditions for collecting, storing and selling straw in the Niger
- Decree No. 2015-168/PRN/MAG of 10 April 2015 adopting the Small-Scale Irrigation Strategy
- Decree No. 2015-18 of 18 April 2015 establishing the statutes of the National Office for Hydro-agricultural Projects
- Bill on the creation, organization and operating procedures of the Water Sector Regulatory Authority
- Draft decree on the funding, organization, management and operating procedures of the National Water and Sanitation Fund
- Act amending the ordinance establishing the National Office for Hydro-agricultural Projects and the decree adopting its statutes
- Decree No. 2014-319/PRN/MPAT/DC of 2 May 2014 establishing the National Land Use Policy
- Decree on the Kandadji Protected Area
- Draft decree on the implementation of Act No. 2018-28 of 4 May 2018 determining the fundamental principles of environmental studies in the Niger

227. With regard to administrative and sociocultural measures, it should be noted that any disputes between farmers and herders must be resolved through conciliation, unless the dispute has been compounded by a criminal offence. Attempts at conciliation are made before the local joint committee headed by the customary authority, comprising an equal number of farmers and herders.

228. Since 2008, the National Week of Joking Kinship, referring to an ancient practice and source of unity and harmony between the various communities, has been organized throughout the country. The Week provides an opportunity for all ethnic groups to come together in a spirit of joy, unity, tolerance and harmony.

Human rights training and awareness-raising

229. In addition to training for law enforcement officials, the Ministry of Justice and the National Human Rights Commission, with the support of partners, offer training for politicians, journalists and traditional and religious leaders on the provisions of the Convention and other human rights instruments, with a view to strengthening national cohesion and eliminating any discriminatory practices based on ethnicity or descent.

230. A human rights training manual has been published for judges, police officers, gendarmes, clerks, prison directors and members of the National Guard. Between 2009 and 2016, 327 judges received training on the manual to encourage them to apply international conventions.

231. Since forced labour and discrimination are often covert practices and generally go unnoticed by the general public, the Project against Forced Labour and Discrimination has helped train a group of journalists from the public and private press who are sufficiently

informed and have the necessary skills to investigate, report on and lead debates on forced labour and discrimination in order to shed light on these issues.

232. Partnership agreements have been concluded with the national media to ensure the dissemination of press articles, reports and interviews by trained journalists on the subjects of forced labour, discrimination and trafficking in persons.

233. Public information and awareness-raising sessions on forced labour and discrimination, accompanied by the screening of a documentary on slavery in schools in the Tahoua region, have been held at the University and the National Civil Service and Judiciary Training School in Niamey. More than 600 students have participated in these sessions.

234. ILO continues to support the Niger through the implementation of the Bridge project, which seeks to raise awareness; follow up on the recommendations of the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and the comments of the ILO Committee of Experts on the Application of Conventions and Recommendations; strengthen the capacities of the social partners; and support vulnerable households of slave descent.

235. The Niger plans to set up a national action plan specifically aimed at combating traditional slavery. ILO has supported this initiative by helping the Niger take stock of the current situation. The findings of the study on the prevalence of slavery in the Niger were validated at a national workshop in November 2018. The findings will help to improve the quality of the action plan to be drawn up by the national actors responsible for combating slavery in the Niger.

Other recommendations

Follow-up to the Durban Declaration and Programme of Action

236. The Niger is committed to combating racism, racial discrimination, intolerance and xenophobia by taking specific steps to promote interreligious dialogue and harmonious relations among its peoples. As follow-up to the 2001 World Conference against Racism, it has taken specific steps to address these problems through the Constitution and various laws. Although the Durban Declaration and Programme of Action is not legally binding, it serves as a basis for awareness-raising efforts and the many actions provided for in the National Human Rights and Justice Policy and its 10-year action plan for the period 2016–2025.

International Decade for People of African Descent

237. The International Decade for People of African Descent (2015–2024), proclaimed by the United Nations General Assembly in its resolution 68/237, provides a solid framework for the United Nations, Member States, civil society and other stakeholders to join forces with people of African descent and carry out the programme of activities in a spirit of recognition, justice and development. People of African descent live primarily in the Americas (200 million) and in various regions of the world, outside the African continent. They represent the poorest and most marginalized groups of the population, both as descendants of victims of the transatlantic slave trade and as migrants.

Competence of the Committee to consider individual complaints

238. This procedure has been in place since 24 December 2018, when the State party began the process involving the optional declaration under article 14 of the Convention. The Niger has already recognized the competence of other treaty bodies, such as the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of Persons with Disabilities, to receive and consider communications.

Amendments to article 8 of the Convention

239. The Committee recommended the ratification of the amendments to article 8, paragraph 6, of the Convention, adopted at the Fourteenth Meeting of States Parties. The Government is currently considering this ratification and will soon take a decision.

Dialogue with civil society

240. Civil society, particularly human rights NGOs, have been involved in the preparation of this report and have provided data, contributed substantively to the first draft and broadly validated the report.

Dissemination of the Convention, reports and concluding observations

241. Following the presentation of its combined twenty-second to twenty-fifth periodic reports, the Niger undertakes to organize a press conference hosted by the head of the delegation to deliver a public, broadcasted statement outlining the achievements and obstacles identified by the Committee, as well as the latter's main recommendations. A communication to the Council of Ministers will be made following the presentation of the report. The reports are published in the official gazette and on several websites. After each presentation, a feedback workshop is usually organized for all stakeholders.

Follow-up to concluding observations

242. Action has been taken in follow-up to the recommendations contained in paragraphs 9, 11 (b), 21 and 23, albeit well over a year after the adoption of the Committee's concluding observations.

Paragraphs of particular importance

243. This report contains all the detailed information requested, including information of particular importance to the Committee concerning follow-up to the recommendations contained in paragraphs 11, 16, 17 and 18 of its concluding observations.

Preparation of the next report

244. In accordance with the Committee's recommendations, this document comprises the combined twenty-second to twenty-fifth periodic reports submitted in a single document. Although it was prepared slightly behind schedule, the report addresses all the points raised in the concluding observations and is line with reporting guidelines.
