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Report of the Working Group on the Universal Periodic Review*

Niger

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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I. Replies concerning the group of recommendations whose examination was postponed

1. With a view to the final adoption of its national report for the universal periodic review by the Human Rights Council, Niger has been requested to take a final decision on the issues that were postponed. After examination, it has been possible to group the recommendations concerning these issues into three categories:

- Ratification of human rights instruments;
- Criminalization of torture and abolition of the death penalty;
- Withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children, and access to justice for victims of gender-based violence.

A. Recommendations concerning the ratification of human rights instruments

2. In recommendations Nos. 78.1–78.7, 78.11, 78.12, 78.21–78.26 and 78.29 it is stated that Niger has not yet ratified certain instruments, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

- Niger has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and will deposit the instruments of ratification;
- Niger takes note of the recommendations concerning the ratification of the following instruments:
 - The International Convention for the Protection of All Persons from Enforced Disappearance;
 - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

3. Niger will initiate a domestic process prior to embarking on ratification so as not to fall short of its international commitments.

4. Consultations on the Second Optional Protocol to the International Covenant on Civil and Political Rights have begun and will continue until the process has been concluded.

B. Recommendations concerning torture and the abolition of the death penalty

5. Recommendations Nos. 78.5 and 78.21–78.30 concern torture and the abolition of the death penalty.

6. With regard to the criminalizing of torture, article 14 of the Constitution of 25 November 2010 provides that “no one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment. Any individual or agent of the State who, during the exercise of his or her functions, commits acts of torture or inflicts cruel, inhuman or degrading treatment, whether on his or her own initiative or under orders, shall be punished in accordance with the law”. Article 208, paragraphs 1 to 4, of the Criminal Code also prohibits torture and other cruel, inhuman or degrading treatment.
7. However, no crime identified as torture and meeting a legal definition that combines several key elements (legal, moral and material) is mentioned in the Criminal Code.
8. Several training sessions have been organized to familiarize law enforcement officials with the international legal instruments that prohibit torture.
9. In short, there is no obstacle to criminalizing torture. The Legislative Reform Commission of the Ministry of Justice intends to submit a bill on the matter once the Optional Protocol has been ratified.
10. As for the abolition of the death penalty, it is true that Niger has not yet ratified the memorandum of understanding.
11. The transitional Government has, however, taken measures towards ratifying the Optional Protocol and adopting a law to abolish the death penalty. These measures have included developing a multistage strategy to raise public awareness, with the involvement of religious leaders, traditional chiefs, NGOs and associations, political parties and State bodies; expressing support for the bill; and submitting it to the National Consultative Council for adoption.
12. The various stages of the strategy had not been completed when the bill was submitted to the legislature for consideration. During the discussions, two points of view emerged. Some members thought that the issue should be examined more carefully and a wide public debate initiated before any final decision was made, while others maintained that the death penalty was not a priority issue for the country’s population and that the discussion was driven by lobbying on the part of “certain international organizations”.
13. These viewpoints should be considered in the light of the following:
 - Niger has a de facto moratorium on the death penalty given that the latter has not been applied since 1976;
 - The absence of public debate on the issue notwithstanding, there is a militant abolitionist movement calling for the repeal of all laws that provide for the application of this sentence;
 - Niger has ratified almost all the international human rights instruments and is therefore bound to respect human rights, including the right to life.
14. In the interest of State continuity, the current Government, which has so far demonstrated its commitment to building a democratic State based on the rule of law, may decide to continue the aforementioned activities and enact the bill abolishing the death penalty through a consensual process.

C. Recommendations concerning the withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children, and access to justice for victims of gender-based violence

15. Recommendations Nos. 78.17–78.20 and 78.31–78.33 concern violence against women and children, and access to justice for victims of gender-based violence.

16. Niger remains firmly committed to ensuring that respect for human rights, and in particular women’s rights, is guaranteed. Article 22 of the Constitution provides for the elimination of all forms of discrimination against women, girls and people with disabilities.

17. Niger has carried out a series of measures with a view to withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (recommendations Nos. 78.7–78.10, 78.12, 78.17 and 78.32), including:

- Developing a rationale for withdrawing reservations;
- Advocating for the withdrawal of reservations.

Awareness-raising campaigns are ongoing.

18. The Government has also designed and implemented several initiatives to safeguard women’s right to participation in public, political and economic life, including:

- A law on the quota system along with implementing legislation;
- A national gender policy;
- A framework for consulting on gender and children’s issues with technical and financial partners and civil society to implement the national gender policy;
- Programmes and projects designed to ensure true equality between men and women, including, among others, a gender initiative, the Genre joint programme with the United Nations system and a gender equity strengthening project;
- A women’s leadership programme comprising training activities for various stakeholders;
- A collection of texts relating to the promotion and protection of women’s rights.

19. In an effort to regulate family relations, the Government has taken steps to consolidate its legal system, which is currently based on both customary and modern law. Such measures aim to safeguard equality and non-discrimination in accordance with the Constitution and the international legal instruments ratified by Niger, and have included, *inter alia*:

- The drafting of a personal status bill;
- The establishment of an ethics committee responsible for finalizing the bill and ensuring its dissemination and its tabling for adoption;
- The organization of regional forums and a workshop to validate the text.

20. Despite all these efforts, the bill has met with some resistance from certain opinion leaders, owing to a perceived lack of consultation. The State therefore intends to arrange for broader consultation.

Recommendations Nos. 78.32 and 78.33 concerning efforts to combat violence against women and children and access to justice for victims of gender-based violence

21. The legislative framework of Niger includes provisions regarding violence against women and children.

- Article 22 of the Constitution of 25 November 2010 provides for the protection of women and children against all forms of discrimination and violence and guarantees their right to participation in national development. Article 24 guarantees the protection of children against exploitation and abandonment and promotes their rights to education and employment;
- The Criminal Code prohibits intentional assault and battery, rape, sexual harassment and female genital mutilation;
- Article 7 of the Reproductive Health Act states that every person has the right to protection against torture and cruel, inhuman or degrading physical treatment in general and that involving their reproductive organs in particular. All forms of violence and sexual abuse are prohibited and punishable by law.

22. Other measures have been taken to reduce violence against women and children in public and private life, including:

- The establishment of a framework for consultation with stakeholders involved in combating gender-based violence;
- The establishment of crisis centres and legal clinics;
- The holding of an annual 16-day awareness-raising event to combat violence against women and children.

23. With regard to female genital mutilation, the Government has made efforts to abolish the practice and socially and professionally reintegrate the practitioners of excision through a community-based education programme.

24. Access to justice is unrestricted and free of charge in Niger and the legal mechanisms in place ensure that all citizens are treated equally by the public legal services, regardless of gender or disability.

Recommendation No. 78.13 concerning indigenous populations and communities

25. Niger does not recognize the existence of indigenous populations, or nomadic peoples, as they are called in the report of the Working Group on Indigenous Populations/Communities in Africa of the African Commission on Human and Peoples' Rights. Minority ethnic groups are present in the country, but they live harmoniously on an equal basis with other groups.

Recommendations Nos. 78.14–78.16 concerning the issuance of a standing invitation to the special procedures mandate holders

26. Niger reaffirms its commitment to inviting special rapporteurs to visit the country whenever necessary.

II. Progress achieved since the review

A. Food security

Establishment of the Agricultural Bank

27. Established on 18 February 2011, the bank specializes in tackling food insecurity and supporting the development of the agrifood industry. The bank's customer base consists primarily of agropastoral producers and other operators in the agrifood industry. To support the industry, the Government has established a guarantee fund, a subsidy fund and a disaster insurance fund.

International Symposium on Food and Nutritional Security

28. The symposium, led by the High Authority for Food Security, was held from 28 to 31 March 2011 in Niamey. Its aim was to share and build on lessons learned, and to devise effective and sustainable solutions to food insecurity.

29. Prior to that event, Niger had had no strategic framework for managing, aligning, coordinating, monitoring and evaluating short-, medium- and long-term food security interventions, whence the need to tackle the structural causes of food insecurity.

30. The discussions held during the symposium resulted in recommendations that will be the subject of round-table consultations with donors in September 2012.

Construction of the Kandadji Dam

31. Construction of the dam, which is in its initial stages and is expected to take five years, is intended to produce 2,000 hectares of irrigated land. Of this development, 300 hectares are funded by the national budget and 1,700 hectares by the West African Development Bank. The President of Niger laid the first stone of the dam on 23 May 2011. An electric power plant will also be built during this initial stage. Subsequent stages will involve the development of 1,000 to 2,000 hectares of irrigated land yearly over a 30-year period, or a total of around 45,000 hectares.

B. Public health

32. The Government has decided to recruit 1,608 health workers, including 450 doctors. These extra workers will reduce the ratio of doctors to inhabitants from 1:41,200 to 1:18,706, the ratio of nurses to inhabitants from 1:5,660 to 1:4,465, and the ratio of midwives to women of childbearing age from 1:5,400 to 1:3,604.

C. Socioeconomic integration of rural women

33. The Government recently established a solidarity fund for rural women. This fund is open to the public and is intended to help empower rural women and reduce the burden of household tasks.

D. Low-income housing

34. In 2010, the Government spent 2 billion CFA francs of its own funds to build 174 low-income housing units. A further 3 billion CFA francs have been set aside to continue these efforts in 2011.

III. Commitments (recommendations Nos. 78.11, 78.12 and 78.17)

35. The new leadership of Niger reaffirms its commitment to continued cooperation with the human rights treaty bodies and pledges to respect the obligations arising from the ratification of the various international human rights treaties to which Niger is a party. The authorities will cooperate with the Human Rights Council and implement all the recommendations of the universal periodic review.

IV. International assistance in implementing recommendations

36. In the context of implementing the recommendations, Niger requests material, human and financial resources, information and knowledge sharing, and support in drafting and implementing an action plan to follow up on the recommendations of the universal periodic review, in order to strengthen the capacities of the interministerial committee and enable it to successfully execute its tasks. Niger also requests support in devising and implementing a human rights education programme and establishing a national human rights commission in accordance with the Paris Principles.
