



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Compilation on the Niger

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Special Rapporteur on the human rights of migrants recommended that the Government ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.³

3. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that the Niger accede to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).⁴

4. The Committee on the Elimination of Discrimination against Women recommended that the Niger expedite the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁵

5. The same Committee also recommended that the Niger expedite the review of all its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, with a view to withdrawing them or narrowing their scope within an established time frame, in consultation with traditional leaders and women's civil society groups.⁶

III. National human rights framework⁷

6. The Committee against Torture recommended that the Niger expedite the adoption of the law criminalizing torture, ensuring that it complied with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that it defined and



criminalized torture in accordance with articles 1, 2 and 4 of the Convention. The Committee also recommended that the Niger ensure that offences of torture could not be time barred, were excluded from amnesties and were punishable by appropriate penalties that took into account their grave nature, in accordance with article 4 of the Convention. Furthermore, the Committee recommended that the Niger speed up the establishment of the national preventive mechanism and ensure that it had a preventive mandate that was in line with the Optional Protocol to the Convention, and that it had the independence, staff, resources and budget necessary for it to fulfil its mandate effectively.⁸

7. The Human Rights Committee recommended that the Niger: (a) take measures to increase the representation of women in the National Human Rights Commission; and (b) provide the Commission with sufficient resources for it to discharge its mandate in full, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).⁹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁰

8. The Human Rights Committee recommended that the Niger take appropriate steps to: (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and (b) amend article 282 of the Criminal Code in order to decriminalize consensual sexual relations between adults of the same sex.¹¹

9. The Committee on the Rights of Persons with Disabilities recommended that the Niger take measures to address discrimination against persons with disabilities, and that in particular, it: (a) include in national laws the denial of reasonable accommodation as a form of prohibited disability-based discrimination; (b) adopt relevant laws, including the draft law on equal opportunities and the reintegration of persons with disabilities, and ensure that they were in line with the Convention on the Rights of Persons with Disabilities and explicitly protected persons with disabilities against multiple and intersectional forms of discrimination; and (c) provide accessible information for persons with disabilities who were victims of discrimination, to access redress and sanction the perpetrators.¹²

2. Development, the environment, and business and human rights¹³

10. While noting the significant impacts of climate change on the Niger in the form of, inter alia, deforestation, desertification and limited water and food resources, the Committee on the Rights of the Child drew attention to target 13.b of the Sustainable Development Goals, on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommended that the Niger take measures to strengthen policies and programmes to address the issues of climate change and disaster risk management, including through replanting trees, regenerating land and increasing solar energy.¹⁴

11. The same Committee recommended that the Niger: (a) establish a clear regulatory framework for the industries, especially mining industries, operating in the country to ensure that their activities did not negatively affect human rights or endanger environmental and other standards, especially those relating to children's rights; (b) ensure effective implementation by companies, especially industrial companies, of international and national environmental and health standards and effective monitoring of the implementation of those standards, appropriately sanction and provide remedies when violations occurred, and ensure that appropriate international certification was sought; and (c) require companies to undertake assessments of and consultations on the environmental, health-related and human

rights impacts of their business activities and their plans to address such impacts, and to fully and publicly disclose those assessments, consultations and plans.¹⁵

3. Human rights and counter-terrorism¹⁶

12. While acknowledging the cross-border difficulties faced by the Niger in its struggle against non-State armed groups that carried out attacks on its territory, the Committee against Torture was concerned at the disproportionate impact of the state of emergency that was currently in force, and regularly extended, in the regions of Diffa, Tillabéri and Tahoua. The Committee was also concerned about the capacity of the Niger to ensure compliance with the Convention against Torture by the foreign armed troops operating on its territory with its consent.¹⁷

13. The Human Rights Committee was concerned about the definition of terrorism provided in Ordinance No. 2011-12 of 27 January 2011 amending the Criminal Code. By referring to an act committed with the intention of disrupting the normal functioning of public services, that provision could, by its vague and ambiguous nature, result in the penalization of peaceful activities linked to the right to freedom of expression, association or assembly. The Committee was also concerned that the legislative amendments relating to terrorism might lead to departures from ordinary law as regarded due process. It recommended that the Niger take the necessary steps to review its legislation on terrorism in order to bring it into line with the International Covenant on Civil and Political Rights.¹⁸

14. The same Committee also recommended that the Niger ensure that measures adopted to combat terrorism were fully compatible with article 4 of the Covenant and, in particular, that measures derogating from the provisions of the Covenant were limited to the extent strictly required by the exigencies of the situation and met the requirements of the principle of proportionality.¹⁹

15. The United Nations country team noted that, under the Stabilization project, action had been taken at the judicial counter-terrorism unit, several investigations into abuses committed by Boko Haram had been supported and 7 judges and 24 lawyers had been deployed to conduct investigations in Kollo and Koutoukalé prisons, which facilitated the processing of 187 cases of alleged perpetrators of terrorist acts.²⁰

B. Civil and political rights

1. Right to life, liberty and security of person²¹

16. The Human Rights Committee recommended that the Niger: (a) formally abolish in law the death penalty and repeal the provisions of the Criminal Code that provided for the application of that punishment; and (b) swiftly adopt the draft law of 23 October 2014 authorizing the accession of the Niger to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and accede to that instrument.²²

17. The United Nations country team noted that the Niger had been facing an alarming security context for several years. The presence of non-State armed groups was a major cause of insecurity and instability in the regions of Tillabéri and Diffa and increasingly affected the regions of Tahoua, Dosso and Maradi. Murderous attacks and abductions by non-State armed groups continued, particularly in the regions of Tillabéri and Diffa.²³ This situation had led the Government to decree a state of emergency in three regions, namely Diffa from 10 February 2015 and Tahoua and Tillabéri from 3 March 2017. The Government regularly extended these exceptional measures for three months to combat terrorism and organized crime.²⁴

18. The Committee on Enforced Disappearances requested the Niger to indicate whether specific legal or administrative measures had been adopted to guarantee that no derogation from the right not to be subjected to enforced disappearance was permitted under exceptional circumstances, whether a state of war or a threat of war, internal political instability or any other public emergency, such as the crisis resulting from the coronavirus disease (COVID-19) pandemic. It also asked the Niger to explain how it ensured that measures taken in the

context of the fight against terrorism, including the declared state of emergency in the regions of Agadez, Diffa, Tahoua and Tillabéri, did not have an impact on the effective enforcement of that prohibition.²⁵

19. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that the authorities of the Niger take steps to improve the conditions of detention at police stations and gendarmerie posts and ensure that: (a) individual cells were occupied by only one detainee at night (in accordance with rule 12.1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)) and that the 2.59 m² cells at the antiterrorist brigade facility were used only for periods of a few hours; (b) cells at police stations were ventilated and had sufficient natural or artificial light (rule 14); (c) hygienic and sanitary conditions in police detention facilities were improved (rule 17); (d) detainees at police stations were provided with mattresses, bedding (rules 19–21) and mosquito nets; (e) police stations and gendarmerie posts had a budget for food (rule 22); (f) detainees had access to safe drinking water within the premises and to toilets, showers and personal hygiene products; (g) every detainee was able to engage in at least one hour of physical exercise per day in the open air (rule 23.1); and (h) separate cells were provided for women and children, particularly at the Yantala and the judicial police stations.²⁶

2. Administration of justice, including impunity, and the rule of law²⁷

20. The Human Rights Committee recommended that the Niger uphold the principle of the independence of the judiciary, as guaranteed under article 16 of the Constitution, and ensure that judges and public prosecutors were appointed on the basis of objective and transparent criteria that allowed for candidates' qualifications to be assessed in terms of the required skills, competence and integrity. It also recommended that the Niger guarantee the tenure and independence of judges and the impartiality of public prosecutors by protecting the work of the judiciary from any interference.²⁸

21. The Committee on the Rights of the Child was concerned that the laws prohibiting the offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had not yet been implemented, due to the low number of complaints from child victims and the lack of a child-friendly justice system. The Committee also regretted the lack of data on investigations, prosecutions and convictions of perpetrators of offences under the Optional Protocol. It recommended that the Niger take all measures necessary to encourage the general public, including children, to report offences under the Optional Protocol, and ensure that those reports were investigated effectively and that perpetrators were prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes. It also recommended that the Niger collect data on investigations, prosecutions and convictions of perpetrators of those offences.²⁹

22. The Committee on the Rights of Persons with Disabilities was concerned about the barriers faced by persons with disabilities in accessing justice, including the inaccessibility of judicial premises, and the lack of procedural accommodation, especially the absence of professional sign language interpreters, Braille and easy read materials.³⁰

3. Fundamental freedoms and the right to participate in public and political life³¹

23. The Human Rights Committee was concerned by allegations concerning several arrests and convictions of human rights defenders under counter-terrorism legislation. It recommended that the Niger ensure that any unjustified or disproportionate infringement of the freedom of expression of the media and human rights defenders under counter-terrorism legislation was prevented.³²

24. The same Committee recommended that the Niger: (a) ensure that any restrictions on press and media activities were fully compatible with the provisions of article 19 (3) of the International Covenant on Civil and Political Rights; (b) ensure that agents of the State avoided any unnecessary or disproportionate interference with the freedom of expression of the media, protected journalists from any form of ill-treatment, and investigated, prosecuted and sentenced the perpetrators of such acts; (c) take all necessary measures for the protection of human rights defenders from threats and intimidation and investigate, prosecute and

sentence the perpetrators of such acts; (d) expedite the adoption of the bill on the protection of human rights defenders; (e) lift any unnecessary restrictions on freedom of assembly and demonstration; (f) carry out prompt, impartial and effective investigations of all cases involving the excessive use of force for the dispersal of demonstrations and bring the perpetrators to justice; and (g) clarify and, where appropriate, revise the regulatory and legislative framework for authorization of demonstrations and the role and remit of the High Council for Communications to ensure that the provisions of article 19 of the Covenant were respected.³³

4. Prohibition of all forms of slavery³⁴

25. While noting the efforts of the Niger to combat trafficking in persons and slavery, in particular under articles 270.1 to 270.5 of the Criminal Code and Ordinance No. 2010-86 of 16 December 2010, the Human Rights Committee noted with concern the persistence of the practice of slavery. It was also concerned at the low rate of application of the above-mentioned legal provisions, with only five prosecutions reported, two of which were said to have led to convictions. The Committee was further concerned that the penalties imposed in both cases had not been commensurate with the seriousness of the crime of slavery. The Committee regretted the lack of available information on the extent of slavery based on descent, including child slavery, forced labour, forced begging and trafficking in persons. The Committee also regretted the limited resources allocated to combating those practices and rehabilitating victims.³⁵

26. The Committee recommended that the Niger continue its efforts, in particular to: (a) ensure the collection of statistical data disaggregated by age, sex and origin of victims; (b) ensure that the legislation criminalizing slavery and trafficking in persons was disseminated and that individuals seeking justice, as well as the police, prosecutors and judges, were made aware of it; (c) strengthen its institutional mechanisms in terms of financial and human resources, in particular the National Agency to Combat Trafficking in Persons; (d) ensure that all cases of slavery and trafficking in persons, including those involving children, were systematically investigated and that suspected perpetrators were prosecuted under the relevant criminal legislation and, if found guilty, given sentences commensurate with the seriousness of the crimes; and (e) take all measures to ensure that victims were provided with medical, psychological, social and legal assistance for their full rehabilitation.³⁶

27. The Committee on the Elimination of Discrimination against Women noted with concern that the Niger remained a country of origin, transit and destination for trafficking and that victims were vulnerable to sexual exploitation, forced marriage and forced labour. It also noted with concern the low prosecution and conviction rates in cases of trafficking in women and girls and the lack of adequate mechanisms to identify victims of trafficking and to refer them to appropriate services such as systematic rehabilitation and reintegration services, including counselling, medical treatment, psychological support and redress, including compensation.³⁷

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work³⁸

28. The Committee on the Elimination of Discrimination against Women recommended that the Niger: (a) improve women's access to the formal labour market through measures, including temporary special measures such as creating incentives for both public and private sector employers to recruit women, introducing flexible work arrangements and strengthening professional training for women; (b) ensure the application of social protection schemes to all women, including those working in the informal sector; (c) carry out inspections, including when there were reasonable grounds to believe that violations were taking place in private homes, combat exploitative labour practices against women and ensure that perpetrators were appropriately sanctioned; (d) amend article 45 of the Labour Code to broaden the definition of sexual harassment and the scope of persons to whom it applied, raising awareness of the remedies available to victims, and amend article 109 of the

Code, on the protection of maternity, to restrict its application to maternity and not to women in general.³⁹

2. Right to an adequate standard of living⁴⁰

29. The United Nations country team stressed that the elimination of food insecurity, hunger and malnutrition had been a priority for the Government for several years. To this end, the National Nutrition Security Policy (2017–2025) had been adopted. However, food insecurity and malnutrition persisted. Malnutrition rates had fluctuated over the past ten years and had not changed significantly. There were 2.7 million persons in situations of acute food insecurity, which represented 13 per cent of the population (far below the 23 per cent indicated in 2016). Although the right to food was enshrined in the Constitution, there was no specific law on the right to food.⁴¹

30. The United Nations country team noted that the socioeconomic effects of the COVID-19 pandemic were exacerbating an already fragile situation. Beyond the direct public health impact on affected households, the indirect effects were likely to be felt throughout the Niger. Modelling of the potential impact of COVID-19 on food security and livelihoods carried out in April 2020 had produced an estimate of 5.6 million persons potentially affected throughout the country. Of these 5.6 million persons, approximately 2.7 million might have been in a situation of severe food insecurity during the period June to August 2020, which was 700,000 more than the figure initially predicted through analysis under the harmonized framework developed by the Permanent Inter-State Committee on Drought Control in the Sahel. Some population groups, including those already experiencing acute food insecurity, those dependent on begging or social support, households dependent on seasonal migration and small farmers in areas of deficit, were more affected than others.⁴²

31. The United Nations Country team noted that, despite reforms and efforts made by the Government and its partners over the past decade, including the adoption of the Water Code, the updating of the Public Water Service Guide and the establishment of the Water Sector Regulatory Authority, the level of access to drinking water remained very low in the Niger, with the problem particularly acute in rural areas. According to the 2019 Report on Water and Sanitation Indicators of the Ministry of Water and Sanitation, only 47.4 per cent of the population of the Niger had access to at least a basic drinking water service (39.5 per cent in rural areas).⁴³

3. Right to health⁴⁴

32. The United Nations country team noted that health policy was aimed at the universal supply and demand of high-quality health-care services, with a particular focus on priority health issues and special attention paid to vulnerable groups. However, its implementation fell far short of what was necessary to effectively ensure the right to health for all citizens. The health sector was underfunded, with a low operational capacity and inadequate quality of care. Only 47.8 per cent of the population had physical access to health care. Often, health-care facilities offered only some of the priority interventions. Mortality and morbidity remained very high: the maternal mortality rate stood at 535 per 100,000 live births, the infant mortality rate at 127 per 1,000 live births and the neonatal mortality rate at 24 per 1,000 live births.⁴⁵

33. The Human Rights Committee recommended that the Niger amend its legislation to provide safe access to abortion to protect the lives and health of pregnant women and girls, particularly in situations in which carrying a pregnancy to term would cause the woman substantial suffering or in which the pregnancy was the result of rape or incest or was not viable. It also recommended that the Niger ensure that women and girls who had abortions, and the physicians assisting them, were not subject to criminal penalties. It further recommended that the Niger ensure access to adequate sexual and reproductive health-care services, contraception and education for all men, women and adolescents in the country. In addition, it recommended that the Niger continue its efforts to promote reproductive health, particularly the implementation of the Health Development Plan for 2017–2021, including in rural and remote areas, through the mobilization of adequate resources for that purpose.⁴⁶

4. Right to education⁴⁷

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stressed that the Niger should be encouraged to: (a) give full effect to the provisions of the Convention against Discrimination in Education; (b) take part in the tenth consultation of member States on implementation of the Convention and Recommendation against Discrimination in Education by submitting a national report; (c) align the minimum legal working age with the age of the end of compulsory schooling, to ensure that children could fully enjoy their right to education; (d) consider amending legislation on education to make primary and secondary education free for 12 years and compulsory for 9 years and take steps to introduce 1 year of free and compulsory pre-primary education; and (e) consider amending article 2 of Act No. 98-12 of 1 June 1998 on the Education System of the Niger to ensure that everyone was guaranteed a legal right to education and that it no longer be limited to citizens of the Niger.⁴⁸

35. UNESCO also stressed that the Niger should be encouraged to: (a) combat discrimination based on descent against the descendants of former slaves so that they could fully enjoy their right to education; (b) ensure that girls and women were enrolled in school through awareness-raising campaigns and that all schools had water supply and sanitation facilities, including separate sanitation facilities for girls and boys; (c) strengthen measures to ensure truly inclusive education and prioritize mainstream education over special institutions; (d) regularly submit periodic report on the implementation of UNESCO instruments; and (e) share with UNESCO any relevant information to update the country profile in the UNESCO Observatory on the Right to Education.⁴⁹

D. Rights of specific persons or groups

1. Women⁵⁰

36. The Committee on the Elimination of Discrimination against Women recommended that the Niger: (a) reinforce the substantive equality of women in law and in practice by ensuring the application of a definition of discrimination against women that was in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, covering direct and indirect discrimination in both the public and private spheres and recognizing intersecting forms of discrimination; (b) harmonize statutory and customary laws with the provisions of the Convention and repeal all legislation that was incompatible with the principle of equality of women and men and the prohibition of sex-based discrimination; (c) initiate open and inclusive public debates regarding diversity of opinion and interpretation with regard to customary personal laws and practices and, with the participation of women's civil society organizations, raise awareness among parliamentarians, traditional leaders and the general public of the importance of comprehensive, consistent and coherent legal reform to achieve the substantive equality of women and men with a view to building consensus for the adoption of a non-discriminatory personal status code.⁵¹

37. The same Committee was concerned in particular that the practices of *wahaya*, characterized as a form of slavery, including sexual slavery, and female genital mutilation persisted in the Niger. It noted with concern the low number of prosecutions under the Criminal Code provisions prohibiting slavery to criminalize perpetrators of *wahaya* and the low conviction rates in cases of female genital mutilation. The Committee, in line with Sustainable Development Goal 5.3 on the elimination of all harmful practices, such as child marriage and forced marriage and female genital mutilation, recommended that the Niger: (a) specifically criminalize the practice of *wahaya*, with the same penalties as other forms of slavery; and (b) ensure that articles 232.1–232.3 of the Criminal Code prohibiting female genital mutilation were strictly enforced.⁵²

38. The same Committee recommended, in line with its general recommendations No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, that the Niger: (a) expedite the adoption of a policy and legislative framework to guarantee the security of women and girls who were asylum seekers, refugees,

returnees or displaced and ensure their access to food supplies, clean water and sanitation, shelter, health care and education, and facilitate their acquisition of identity documentation; (b) collect data on incidents of gender-based violence against women and girls, in particular sexual violence, and of child marriage, forced marriage, trafficking in persons, forced prostitution and abduction by terrorist groups in the Niger; and c) establish a specialized mechanism to investigate allegations of human rights violations and acts of violence by security forces and terrorist groups, with particular attention to gender-based violence and other rights violations perpetrated against women and girls, bringing perpetrators to justice and ensuring compensation and rehabilitation for victims.⁵³

2. Children⁵⁴

39. The Committee on the Rights of the Child was deeply concerned about reports of the continuing practice of descent-based slavery of children, whereby children were treated as the property of their master and could be rented out, loaned, given as a gift or inherited by their masters' children. It was also concerned that the prosecution of slavery cases was limited, penalties were mild and customary laws that coexisted with national laws were discriminatory against people of slave descent. The Committee called upon the Niger to adopt a national plan of action to combat slavery, including effective measures to free victims of traditional slavery practices and provide children with rehabilitation, psychological recovery services and assistance for reintegrating into their families, as well as awareness-raising campaigns on the provisions of the law against slavery.⁵⁵

40. The same Committee was seriously concerned about: (a) gender-based violence against girls, including sexual assault, rape and domestic violence; (b) widespread impunity and the systematic use of community mediation to address rape of girls; (c) the lack of confidence in the justice system and limited means of assistance, protection or redress to child victims; (d) the absence of specific laws criminalizing marital rape; and (e) the absence of a definition of statutory rape in the State's legislation owing to the absence of a legal minimum age of sexual consent.⁵⁶

41. The same Committee urged the Niger to adopt a human rights-based approach to disability and to: (a) organize the collection of data on children with disabilities; (b) set up a comprehensive strategy for the inclusion of children with disabilities; (c) develop an efficient system for diagnosing disability, which was necessary for putting in place appropriate policies and programmes and a specific budget for children with disabilities; (d) strengthen its measures on inclusive education and ensure that inclusive education was given priority over the placement of children in specialized institutions and classes; (e) take immediate measures to ensure that all children with disabilities had access to health care, including early detection and intervention programmes, and quality orthopaedic equipment, especially in rural areas; (f) provide specialized training, including on sign language, to teachers and professionals, and assign specialized teachers and professionals to integrated classes in which individual support and all due attention were provided to children with learning difficulties; and (g) develop mechanisms to prevent the economic exploitation, in particular, through begging, of children with disabilities.⁵⁷

3. Persons with disabilities⁵⁸

42. The Committee on the Rights of Persons with Disabilities was concerned about: (a) the deprivation of liberty of persons with disabilities without their free and informed consent, including in hospitals, institutions, family settings and psychiatric institutions, often in inhuman and degrading conditions, and the involuntary and non-consensual commitment of persons with psychosocial or intellectual disabilities; and (b) the absence of monitoring of the conditions of persons with disabilities in institutions and other places of detention.⁵⁹

43. The same Committee was concerned about the continued practice of female genital mutilation among girls and women with disabilities and the lack of measures to prevent cruel, inhuman or degrading treatment or punishment of persons with disabilities, including medical experimentation, without the person's free and informed consent.⁶⁰

4. Migrants, refugees, asylum seekers and internally displaced persons⁶¹

44. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that the Niger take all appropriate measures, particularly by amending its legislation and stepping up its efforts to: (a) ensure that all migrant workers and members of their families on its territory or subject to its jurisdiction, whether documented or not, enjoyed the rights recognized by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families without discrimination in accordance with articles 1 (1) and 7; (b) explicitly prohibit and eliminate all forms of discrimination against women by, inter alia, putting in place a comprehensive strategy as soon as possible that had clear goals and timetables.⁶²

45. The Special Rapporteur on the human rights of migrants recommended that the Government promote regular intraregional and interregional channels for migration and labour mobility, ensure that regular, safe, accessible and affordable channels for migration were available, decriminalize illegal border crossings and combat the stigma and discrimination associated with irregular migration.⁶³

46. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that, as at 1 July 2020, the Niger was hosting 532,794 persons of concern to UNHCR, including 225,665 refugees, 3,790 asylum seekers, 265,522 internally displaced persons, 34,300 returnees and 3,517 other persons of concern. Of the total refugee and asylum-seeker population, children aged 5–11 years old constituted the majority (30 per cent). There were 122,060 females, 107,395 males and 3,467 persons with disabilities.⁶⁴ UNHCR recommended that the Government: (a) strengthen preventive and security measures in refugee hosting areas to ensure the civilian character of asylum; and (b) ensure humanitarian access to allow protection interventions and assistance for the civilian population by humanitarian actors.⁶⁵

47. The Special Rapporteur on the human rights of internally displaced persons expressed concern that, among newly displaced persons in the region of Tillabéri, the situation of some 300 pregnant women required urgent attention. The Special Rapporteur had been informed that the lack of access to health centres had constrained some women to give birth in difficult conditions, including during their displacement.⁶⁶

5. Stateless persons

48. UNHCR noted that statelessness concerns in the Niger arose in the context of the situation in the Diffa region. Among the mixed influx of citizens of the Niger and citizens of Nigeria seeking refuge from the violence in north-east Nigeria, about 80 per cent did not possess any identity documents. The situation was the same in the Tillabéri and Tahoua regions, where forced displacements as a result of the insecurity and the aftermath of the border dispute between Burkina Faso and the Niger had put undocumented populations at risk of statelessness.⁶⁷

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Niger will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/NEindex.aspx.

² For the relevant recommendations, see A/HRC/32/5, paras. 120.1–120.5, 120.6–120.27, 120.78–120.80 and 120.85.

³ A/HRC/41/38/Add.1, para. 72 (a).

⁴ CMW/C/NER/CO/1, para. 29.

⁵ CEDAW/C/NER/CO/3-4, para. 13.

⁶ *Ibid.*, para. 9.

⁷ For the relevant recommendations, see A/HRC/32/5, paras. 120.5, 120.15, 120.28, 120.31–120.34, 120.40, 120.57, 120.66–120.68, 120.79–120.80, 120.84–120.86, 120.91, 120.106–120.107, 120.110 and 120.123.

⁸ CAT/C/NER/CO/1, paras. 8 and 23–24.

⁹ CCPR/C/NER/CO/2, para. 9.

¹⁰ For the relevant recommendations, see A/HRC/32/5, paras. 120.23, 120.64–120.66, 120.68–120.71, 120.75, 120.91, 120.93, 120.114 and 120.141.

- 11 CCPR/C/NER/CO/2, para. 19.
- 12 CRPD/C/NER/CO/1, para. 8.
- 13 For the relevant recommendations, see A/HRC/32/5, paras. 120.31 and 120.163–120.164.
- 14 CRC/C/NER/CO/3-5, para. 36.
- 15 *Ibid.*, para. 13.
- 16 For relevant recommendations, see A/HRC/32/5, paras. 120.53–120.59, 120.134 and 121.1.
- 17 CAT/C/NER/CO/1, para. 31.
- 18 CCPR/C/NER/CO/2, paras. 14–15.
- 19 *Ibid.*, para. 17.
- 20 United Nations country team submission for the universal periodic review of the Niger, p. 8.
- 21 For relevant recommendations, see A/HRC/32/5, paras. 120.88–120.90 and 120.135.
- 22 CCPR/C/NER/CO/2, para. 27.
- 23 United Nations country team submission, p. 7.
- 24 *Ibid.*, pp. 7–8.
- 25 CED/C/NER/Q/1, para. 4.
- 26 CAT/OP/NER/1, para. 37.
- 27 For relevant recommendations, see A/HRC/32/5, paras. 120.29, 120.48–120.49, 120.87, 120.107, 120.113 and 120.125–120.129.
- 28 CCPR/C/NER/CO/2, para. 41.
- 29 CRC/C/OPSC/NER/CO/1, paras. 24–25.
- 30 CRPD/C/NER/CO/1, para. 21.
- 31 For relevant recommendations, see A/HRC/32/5, paras. 120.134–120.136 and 120.139.
- 32 CCPR/C/NER/CO/2, paras. 14–15.
- 33 *Ibid.*, para. 43.
- 34 For relevant recommendations, see A/HRC/32/5, paras. 120.104–120.114, 120.56, 120.67 and 120.120–120.124.
- 35 CCPR/C/NER/CO/2, para. 34.
- 36 *Ibid.*, para. 35.
- 37 CEDAW/C/NER/CO/3-4, para. 24.
- 38 For relevant recommendations, see A/HRC/32/5, paras. 120.2, 120.14 and 120.27.
- 39 CEDAW/C/NER/CO/3-4, para. 31.
- 40 For relevant recommendations, see A/HRC/32/5, paras. 120.108, 120.142–120.147 and 120.161.
- 41 United Nations country team submission, p. 10.
- 42 *Ibid.*, p. 11.
- 43 *Ibid.*
- 44 For relevant recommendations, see A/HRC/32/5, paras. 120.149, 120.151–120.152, 120.158 and 120.163.
- 45 United Nations country team submission, p. 9.
- 46 CCPR/C/NER/CO/2, para. 25.
- 47 For relevant recommendations, see A/HRC/32/5, paras. 120.153–120.155 and 120.157.
- 48 UNESCO submission for the universal periodic review of the Niger, para. 12.
- 49 *Ibid.*
- 50 For relevant recommendations, see A/HRC/32/5, paras. 120.38, 120.72–120.74, 120.92, 120.94–120.103 and 120.150.
- 51 CEDAW/C/NER/CO/3-4, para. 13.
- 52 *Ibid.*, paras. 20–21.
- 53 *Ibid.*, para. 11.
- 54 For relevant recommendations, see A/HRC/32/5, paras. 120.35–120.37, 120.39, 120.54, 120.115–120.119, 120.130–120.133 and 120.156.
- 55 CRC/C/NER/CO/3-5, paras. 20–21.
- 56 *Ibid.*, para. 23.
- 57 *Ibid.*, para. 30.
- 58 For relevant recommendations, see A/HRC/32/5, paras. 120.51–120.52.
- 59 CRPD/C/NER/CO/1, para. 23.
- 60 *Ibid.*, para. 25.
- 61 For relevant recommendations, see A/HRC/32/5, paras. 120.2, 120.14 and 120.162.
- 62 CMW/C/NER/CO/1, para. 23.
- 63 A/HRC/41/38/Add.1, para. 72 (n).
- 64 UNHCR submission for the universal periodic review of the Niger, p. 1.
- 65 *Ibid.*, p. 5.
- 66 A/HRC/38/39/Add.3, para. 55.
- 67 UNHCR submission, pp. 2–3.