

STATEMENT
UPR Pre-session of Niger
26 March 2021

Formalization of foster care and access to the Nigerien nationality for children born of unknown parents

Honourable representatives of the Permanent Missions,

It is a pleasure for me to address this assembly to present issues on children's rights in my country, Niger. I am a beneficiary of the SOS Children's Villages Niger alternative care program. Through its programs, the organization is currently helping 7,439 children who have lost parental care and those at risk of losing it, regardless of their gender, religion, and ethnicity.

My statement addresses two issues which have not received adequate attention in the previous reviews of Niger, notably: **(1) the formalization of foster care**, and **(2) the access to the Nigerien nationality for children born of unknown parents**.

I. Establishment of a regulatory framework for foster care

Despite some progress in the legal framework for alternative care, there is no text formalizing the placement of children in foster care. Formalization of foster care will increase the number of alternative care options in the country. Currently, foster care placements are made on an emergency basis (for separated or unaccompanied children) by decentralized child protection services, such as the regional directorates for the promotion of women and child protection and the juvenile courts, without a legal framework, appropriate training, adequate support and follow-up mechanisms. This is a major issue because any unregulated, poorly organized, unmonitored, and uncontrolled foster care would expose children to enormous protection risks.

We believe that formalizing foster care will significantly reduce the placement of children in institutional care and reduce the risks to children, such as abuse, exploitation, neglect, etc.

Recommendations

We encourage Member States to recommend that the Government of Niger:

- **Establish in law and policy a formal system of foster care regulated, authorised, and monitored by the State, in line with the UN Guidelines for the Alternative Care of Children and the 2019 UNGA Resolution on Children without Parental Care.**

II. Access to the Nigerien nationality for children born of unknown parents

The second point of my statement concerns access to the Nigerien nationality for children born of unknown parents. Despite the persistence of this problem, no recommendation was made to Niger in this sense during the previous reviews.

Niger's current nationality law and practice do not provide sufficient guarantees for all children of unknown parents found in Niger to enjoy their right to nationality. These children also face difficulties in obtaining a family name. Indeed, some of them are baptized at the State reception centre or at the reception and care facilities without a family name.

Article 10 of its Nationality Code states that *"a child born in Niger of unknown parents is Nigerien."* However, in practice, access to nationality is a real problem for these children. Indeed, the attribution of nationality is managed by the High Courts. It is done upon presentation of the child's civil status documents and the birth certificate of one of his parents. Since these children have no known parents, this requirement deprives them of the nationality granted to them by this code. To this category of children should also be added those born of unknown parents found in Niger (unaccompanied children) whose familial searching has not been successful. Since they were not born in Niger, they are not considered in the Nationality Code and risk remaining stateless.

Many children are currently victims of this discrimination and are therefore stateless. For example, across only 4 care facilities in Niamey, 79 children and youth are still stateless and deprived of several rights that nationality offers. In 2020, the application of a 20-year-old (from the Niamey site) who was very bright at school, was rejected at the competitive examination of the military academy because of lack of nationality. Those who are in the 3rd grade risk having their applications rejected due to the absence of a certificate of nationality.

Recommendations

We encourage Member States to recommend that the Government of Niger:

- **Take concrete steps to ensure universal birth registration, including of children born of unknown parents, and guarantee their right to a name and nationality by assigning them one of the most common family names in Niger (for example, Ari, Maiga, Zarmakoy, Mai, Agali, Lampo, etc);**
- **Issue a decree at the level of the Ministry of Justice establishing clear procedures to facilitate access to nationality for children born in Niger of unknown parents and unaccompanied children found in the country, without any information about their origins, in order to prevent child statelessness.**

The children of Niger are counting on you and hope that you will address recommendations to the Government of Niger to better protect their rights. They would like to thank you, through my humble voice, for your kind attention!