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MINISTRY OF WOMEN'S EMPOWERMENT
AND CHILD PROTECTION

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INITIAL REPORT ON THE IMPLEMENTATION OF THE PROVISIONS OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD

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FOREWORD

This National Initial Report is part of efforts to monitor the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). It was drafted in accordance with Article 43 of this regional enactment, an act that is of great significance and capital importance for our country. Not only is it a concrete reflection of the will of the government to honour commitments it took at the regional level regarding children but it also stands as an eloquent proof of the great interest government pays to issues dealing with the protection and development of the child. It is also important to observe that the quality of the report matches the seriousness and high level of commitment of all the partners who took part in its elaboration.

In the light of the forgoing, Ladies and Gentlemen, you will therefore readily understand the pride and satisfaction that is mine to author the foreword of such an important document.

Also, based on the clear and reliable facts it provides on the ground covered, the progress made, the experiences gained during the protection and promotion of children's rights recognized in the Charter, the loopholes observed and lessons learnt, this report stands as a dependable benchmark and tool for advocacy and social mobilization for an effective implementation of the African Charter on the Rights and Welfare of the Child.

It is commonly said that any society that is negligent of the present and future conditions of its children carries the germs of its own destruction. This universally acclaimed truth points to the need for us all to take ownership of this report and strive further to make the enjoyment of the rights enshrined in the ACRWC real for all our children.

I hope this important document will serve as a means for the strengthening of national and international solidarity towards our children.

Lastly, I want to thank and congratulate all those who contributed to the elaboration on this National Initial Report on the implementation of ACRWC.

(sgd) Mrs BARRY BIBATA ONANDOU,
Minister for Women's Empowerment
and Child Protection

INTRODUCTION

The African Charter on the Rights and Welfare of the Child (ACRWC) is a reference inter-African legal instrument, adopted in July 1990 by the 26th OAU Assembly of Heads of State and Government. It was ratified by Niger on 11 December 1996. Its ratification is subject to the commitment taken by each State to formulate an initial report, in keeping with article 43(1) of the Charter which stipulates that: **Every State Party to the present Charter shall undertake to submit to the Committee through the Secretary-General of the Organization of African Unity, reports on the measures they have adopted which give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights:**

a) within two years of the entry into force of the Charter for the State Party concerned:

b) and thereafter, *every three years.*

In keeping with the commitment made by the State of Niger which ratified the Charter, this report will identify the monitoring mechanisms put in place as part of pro-child actions and focus on the means used to ensure the survival, protection, development and participation of the child in the country.

The first part of this report will deal with the geographical, demographic, political and economic presentation of Niger. It will also treat the legal framework of the protection of human rights in general in Niger.

In the second part, the focus will be on the situation of children in Niger, the measures taken to implement the Charter, the progress made in this domain and in the areas of the survival, protection, development and participation of the child in Niger.

The report will also look at:

- General measures, especially the definition of the child, issues concerning majority, nationality, freedoms and lastly civil rights.
- General principles pertaining to non discrimination, the best interest of the child, the child's right to life, survival, development and participation.
- The study of the family milieu, focusing on protection, substitution and the special protection measures for children in emergency situations, children in conflict with the law, those who are victims of exploitation or come from minority groups.
- The analysis of the health and welfare of children such as access to care, social security and the right to a decent standard of living.
- the situation of handicapped or abandoned children in Niger.
- Lastly, the right to education and professional guidance, to leisure and cultural activities.

PART ONE: PRESENTATION OF THE PHYSICAL AND DEMOGRAPHIC CONTEXT

PHYSICAL CONTEXT

Niger is a sahelian country situated to the east of West Africa. Two-thirds of its territory has been invaded by the desert, which reduces arable land. Its arid and unstable climate has dire consequences on agro-pastoral activities. This landlocked country covers a surface area of 1,267,000 km².
Niger is bounded to the North by Algeria and Libya, to the East by Chad, to the South by Nigeria and Benin, to the West by Burkina Faso and to the North-West by Mali.
With regard to hydrography, Niger has a single river that bears its name: “River Niger”. However, sand silting, erosion and the water hyacinth have considerably reduced its flow. Harnessing it has also become difficult. There are a few underground waters which are quite deep under the earth.

DEMOGRAPHIC CONTEXT

According to the General Population and Housing Census of 2001, Niger has a population of 11,060,291 inhabitants, 83.7% of whom live in rural areas. The country has one of the highest population growth rates in the world which is 3.3%. Sixty percent of the population is made up of young persons below 18, among whom 47.5% are below 15 and 20.9% below 5. It is also 98.7% Muslim. There are 8 main ethnic groups: the Hausas (55.4%), Djerma-Sonraï (21.0%), Peulhs (8.5%), Touaregs (9.3%), Kanouris (4.7%), Arabs, Toubous, Gourmantchés and others (1.3%).
This population is unevenly distributed across the geographic territory, especially at Agadez and Diffa.

ADMINISTRATIVE CONTEXT

Niger is a decentralized unitary state, as per Article 27 of the constitution of 9 August 1999. The country’s administration was recently reorganized by Law No. 2001-023 of 10 August 2001 setting up administrative districts and local councils which divide up the country into regions, divisions, sub-divisions and communes, this, in accordance with Article 127 of the Constitution which stipulates that : “local government is based on the principle of decentralization and devolution. Thus, regions, districts, sub-districts and communes shall be raised to local governments”.

POLITICAL CONTEXT

Niger is a former French colony. It gained independence on 3 August 1960. From independence to 2007, the country had 5 (five) republics and 3 (three) military regimes. From 1960 to 1974, government of the first republic (one-party regime); from 1974 to 1989, military regime led by the Supreme Military Council.

The country’s recent political history was marked by the sovereign national conference organized in July 1991, which lasted for 98 (ninety-eight) days. This conference laid the foundations of integral multi-party politics and established democratic institutions. Legislative and presidential elections were later organized in 1993. But, between 1996 and 1999, the democratization process was interrupted twice by military coups.

However, free and transparent elections were organized in November 1999 and the country has enjoyed political stability ever since.
The democratization process continued, with the emergence of civil society organizations more or less involved in decision-making, conflict resolution and, to a lesser extent, economic management. At the same time, a free and independent press saw the light of day.

ECONOMIC AND SOCIAL CONTEXT

Niger's economy is characterized by the predominance of agriculture and stockbreeding. These two mainstays of the economy often suffer setbacks due to climatic uncertainties (drought, locust invasions). The year 2003/2004 is a case in point. .

The main export commodities are agro-pastoral resources and uranium. The growth rate of GDP was 4.8% in 2006, while the average growth rate over the 2002-2006 period was 3.9% yearly. Many social projects were carried out and uranium fetched higher prices on the world market which contributed to economic revival.

During the last two decades, the collapse of the price of uranium and the low level of mobilization of internal resources drove Niger to adopt the structural adjustment programme which resulted in the liberalization of the economic and cuts in investments in the social sectors. These unpopular measures deepened poverty and aggravated the country's debt.

The signing of the 2000-2003 economic and financial programme backed by the IMF's Poverty Reduction and Growth Facility (PRGF) and supported by other multilateral and bilateral partners ushered in a vast programme of economic and structural reforms for Niger.

The satisfactory implementation of this programme, especially in the area of public finance management was instrumental not only to the progress achieved in the implementation of the country's Poverty Reduction Strategy (PRS), but also to the attainment of the completion point of the Heavily Indebted Poor Countries (HIPC) Initiative in April 2004, the benefit of external debt cancellations and the successful negotiation with the IMF of a new programme for the 2005-2007 period. The different programme reviews concluded that macro-economic performances had improved, in relation to the previous decade.

Despite these reforms, Niger's economy remains characterized by the following facts:

- the primary sector's share in the Gross Domestic Product (GDP) rose from 39.1% over the period 1995-2001 to 42.8% between 2002-2006 ;
- the share of the secondary sector declined steadily despite the revival of activities in the mining sector ; it fell from 13.7% to 13.2% over the period 2002-2006 ;
- the tertiary sector still accounted for a predominant, albeit dwindling, share of GDP. It stood at around 44% over the period, against 47.2% in the 1995-2001 period;
- the informal sector's share in GDP remained very high (over 70%). The trend shows a reticence of informal sector activities to, in the short term, join the modern framework.

Socially, the overall situation is characterized by the poverty of the population. In fact, 63% of the population is poor, with 34% living in extreme poverty. High population growth

combined with the extreme youthfulness of the population makes it difficult to meet social needs (education and health).

The rate of illiteracy was estimated at 71.3% in 2005. But, the primary school enrolment rate was 57.1% in 2006-2007, with girls making up 47.4%.
In health, the infant/juvenile mortality rate was 198‰ in 2006. In the same year, the proportion of underweight children below 5 was 44% and those presenting retarded growth represented 50 %. The health coverage rate in 2005 was 65%.

Life expectancy is 54 years for men and 56 years for women. The maternal mortality rate is 648 for 100,000 life births while the fertility rate, the highest in the world, stands at 7.1% per women.

Confronted with this hard social and economic situation, Niger tried out several solutions and devised different plans to meet the population's needs. These plans were initiated and financed with the support of development partners and include:

- the forecast studies in 1961;
- the 1965-1974 ten-year prospects;
- the 1965-1968 four-year Plan;
- the 1976-1978 three-year Programme;
- the 1987-1991 Five-year Plan.

From 1980 to 2000, Niger again embraced the structural adjustment programme. This programme resulted in:

- the privatization of State corporations;
- the implementation of measures of budgetary stringency.

But, as from 2000, fiscal revenue improved slightly, rising from 8.6% of GDP in 2000 to 10.6% in 2002 while expenditure dropped from 12.5% of GDP in 1999 to 11% in 2002[1]. Despite this significant improvement, the people's living standards deteriorated. The different UNDP Human Development Reports showed that the human poverty index has remained above 60% since 1996[2].

LEGAL FRAMEWORK FOR THE PROMOTION OF HUMAN RIGHTS IN NIGER

Niger has ratified virtually all international legal instruments on the promotion of human rights. A compendium of international and regional instruments was prepared in July 2003. The Constitution of 9 August 1999 proclaims in its preamble the country's attachment to democratic values and human rights as defined by the Universal Declaration on Human Rights of 1948 and the African Charter of Human and Peoples' Rights of 1981, enshrined in Part 2 thereof.

It is important to note that the State of Niger has done quite much to promote these rights. These include:

- the creation of the National Commission on Human Rights and Freedoms;
- the creation of the Department of Human Rights in the Ministry of Justice;

[1] Food, education and care for all Niger citizens: Demography in perspective, March 2004
[2] PAN/SPDE 2004-2010

- the adoption of Ordinance No. 99-11 of 14 May 1999 related to the creation, composition, organization and duties of juvenile courts;
- the adoption of Law No. 2003-25 of 13 June 2003 to reform the penal code, in its sections 270 *et sequentia*, and 232 *et sequentia*, which provide for and punish the offences of slavery and female genital mutilation. Also provided for are offences related to international humanitarian law such as genocide, war crimes and crimes against humanity: section 208(12-3).

The judicial power is the guarantor of rights and liberties. It is also worth noting that in Niger, there are associations and NGOs that work, independently of the legislative and executive powers, in the defence of human rights, inasmuch as the State cannot address this domain alone. The multitude of these organizations led to the creation of the *Réseau Nigérien pour l'Enfance* (RENE) that deals specifically with the rights of the child.

PART TWO: SITUATION OF CHILDREN IN NIGER: MEASURES TAKEN TO IMPLEMENT THE CHARTER AND PROGRESS ACHIEVED IN THAT REGARD

I. GENERAL MEASURES OF APPLICATION

Niger has adopted a number of legal and institutional measures aimed at harmonizing and incorporating the ACRWC in its domestic legislation.

At the legislative level: a committee responsible for the reform of the country's criminal, civil and commercial laws was set up by Order No. 0079/MJ/GS/MCRP of 11 November 2003. Its mission was to examine draft instruments with a view to amending them. It is in this framework that Ordinance No. 99-11 la 14/5/99 related to the creation, composition and organization of juvenile courts was signed. Besides, these courts have become a definitive feature, as provided for in section 59 of Law No. 2004-50 of 22 July 2004 fixing the organization and jurisdiction of courts in the Republic of Niger. Today, there is a juvenile court in each high court as well as a trial judge in courts at all divisional headquarters.

The Judicial Reform Support Programme previewed that detention centres will have a section reserved for minors. The one in Niamey prison became operational in 1999.

The will of the State is reflected by the creation of a Ministry of Women's Empowerment and Child Protection.

At the administrative and institutional level, Niger has many structures that cater for children in difficulty and those in conflict with the law.

The existence of numerous NGOs and Associations that defend children's rights led to the creation of the child rights network, *Réseau Nigérien pour l'Enfance* (RENE).

All these activities are coordinated through a National Action Plan (NAP) for the monitoring, protection and development of the child, drafted for 1991 to 2000. It has been implemented albeit with some limitations, given the economic situation of the country.

A second ten-year National Action Plan (2004-2010) was elaborated. It has three objectives:

I. to promote and ensure a healthy existence for children ;
II. to provide children with quality education and healthcare;
III. to protect children against all acts of maltreatment and exploitation.

A draft children's code was elaborated and validated in 2005.
As far as measures taken to ensure the wide dissemination of the Charter ratified in November 1996 – the African Charter on the Rights and Welfare of the Child – this charter as well as the United Nations Convention on the Rights of the Child is not adequately disseminated. It is mostly mentioned during seminars discussing child rights to highlight its similarities and differences with the United Nations Convention. Sensitization is done during the Day of the African Child depending on the theme chosen by the African Union and on that occasion, State-owned and private media are mobilized.

Examples:

- in 2003, the theme was birth registration;
- in 2005, orphans of Africa : our collective responsibility.

With regard to the promotion of traditional values and cultural practices, Niger has institutionalized the traditional wrestling championship, the youth festival and the Soukabé children's festival.

Also worthy of note is the existence of an association of traditional artists which is striving to protect and perpetuate traditional values.

II. DEFINITION OF THE CHILD

In general, the child is defined as: "***Every human being below the age of 18***". The age of minority varies in the Niger legislation:

A) In civil matters:

> According to the Civil Code: "***a minor is any individual of either sex who has yet reached the age of 21***". Section 388: He may not carry out certain civil acts such as engage in a trade or conclude a contract.

b) Custom: The courts apply the customs of the parties, subject to respect of duly ratified international conventions, legal provisions and basic rules governing public order or individual freedoms, the capacity of individuals to enter into business contracts and appear in judicial proceedings, personal status, the family, marriage, divorce, parentage, succession and wills (Section 63 of Law No. 2004-50 of 22 July 2004 laying down the organization and jurisdiction of courts in the Republic of Niger). In marriage, the Mandel Decree of 13 July 1939 sets the minimum age of marriage at 14 for girls and 16 for boys. Customary law, for its part, sets no age for marriage. It is the stage of puberty that is considered.

On the other hand, the Constitution, the electoral code and the Penal Code are aligned to international legal instruments ratified by Niger. These national enactments set the age of majority at 18.

III. GENERAL PRINCIPLES

a) Non discrimination (article 3)

a_1 Legislative, administrative and judicial measures:

In the preamble of the Constitution of 9 August 1999, Niger reaffirms its "attachment to the principles of pluralist democracy and human rights as defined in the Universal Declaration of Human Rights of 1948 and the African Charter of Human and People's Rights". These international legal instruments ratified by Niger form an integral part of its written law.
The principle of non-discrimination is enshrined in article 8 of the Constitution of 9 August 1999.
The Penal Code in its section 102 describes discrimination as a misdemeanour which is punishable by imprisonment.

a2. Difficulties encountered:

Despite Niger's legal arsenal on non discrimination, disparities are noticeable in the areas of education and health. In some regions of the country, access to education and healthcare is not equitable.

The enrolment rate in urban areas is higher than in the rural and nomadic zones. It should also be noted that the enrolment rate is higher for boy than for girls. Also, more men are literate than women. What accounts for this disparity is the reluctance of parents to enrol girls in school for socio-cultural and economic reasons.

In rural area, parents have a poor perception of school, especially for girls. According to them, school leads more to the girl-child's acculturation than to her instruction. Their apprehensions are further buttressed by the out-of-wedlock pregnancies contracted by girls during schooling and the drop-out rate.

Also worthy of note is the fact that girls constitute a work force within the family. They participate in household chores and engage in petty trading to put together funds with which to buy their marriage outfit.

Achievements and progress made:

The State was not indifferent to this situation. Remedial measures were taken. A law on orientation of education in Niger was adopted in March 1998, as a means of ensuring that everybody had equal opportunities of access to education. The same law made enrolment compulsory for all children aged 4 to 16 without distinction as to sex, religion, social background and racial or ethnic origin.

Furthermore, a Ten-Year Education Development Programme (PDDE) was implemented for the 2003-2013 period.

The government, in collaboration with development partners, took measures to bridge the gap between girls and boys through the National Action Plan (NAP).

A nationwide awareness campaign was launched through the media to convince parents to enrol girls in school.

In the nomadic zone, the High Commission for the Restoration of Peace contributed to the level of enrolments obtained.

A decisive factor was the presence of women in policy-making positions in the administration (ministers, MPs, mayors and service heads) and the adoption of the law on quotas.

The involvement of traditional rulers in the sensitization effort backed by UNICEF helped to increase enrolments generally, especially those of girls whose rate rose from 30% in 2001 to 47.4% in 2007. (MEN statistical directory, 2007)

This sensitization was bolstered by the following concrete actions:

- The creation of a Technical Unit for the Promotion of Girl Enrolments (CTPSF) within the Basic Education Sector Project (PROSEF) in 1996;

- participation in the Regional Guidance and Counselling Programme for Girls and Women in Africa in 1996;
- the creation of a girls enrolment and women's literacy support programme within the Education I / ADF (African Development Fund) Project in 1999;
- the creation in 2000 of a National Directorate for the Promotion of Girls' Enrolment and Training which coordinates all activities in this area;
- Lastly, as part of the Special Programme of the President of the Republic, there are plans to build 1,000 classrooms every year throughout the country

b) The best interest of the child (article 4)

With a strong sense of traditional and customary values, the Niger society does not give prime consideration to this factor – the best interest of the child – when taking decisions concerning children. In fact, children are considered as incapable because of their lack of physical and intellectual maturity. Some parents promise their daughters in marriage at birth. This decision is irrevocable even if later the girl wants to marry another of her own free choice.

In the event of separation of their parents, children aged 0 to 7 are automatically entrusted to their mother. From age 7, the father can demand custody of the child without considering the best interest of the child. However, this practice retreats markedly in case of divorce pronounced by a court. As Niger has ratified the African Charter on the Rights and Welfare of the Child, the judge always considers the child's best interest in deciding to grant custody. To further respect this best interest, he orders a social investigation to determine which of the parents will be least qualified to assume such custody.

a) The right to life, survival and development (art. 5)

c1 Legislative, administrative and judicial measures:

The right to life is proclaimed by article 11 of the Constitution of 9 August 1999.

The Niger Penal Code, as amended by Law No. 2003-025 of 13 June 2003, punishes violation of the right to life, whatever its form. Through this code, the right to life is protected from conception to birth (sections 240, 251 and 295 of the Penal Code).

Thus, abortion, kidnap, abandonment, suppression and child abduction are considered as misdemeanours provided for and punishable by law. Infanticide, for its part, is considered as a felony.

To buttress this protection, the State introduced sex education in school curricula. The youth are therefore aware of the dangers of STI/HIV/AIDS, abortion and methods of contraception. It put in place an extended programme of immunization to reduce the rate of maternal/infant/juvenile mortality and the nutrition division (malnutrition).

Lastly, Niger crafted an action plan on the survival, development and protection of the child, 2004-2013.

To support the State in its efforts, NGOs conduct sensitization sessions on the harmful effects of certain practices that threaten the life of the child. These practices include: removal of the uvula, excision and unwanted pregnancies which often end in abortion or

infanticide. These NGOs also embark on campaigns to fight malnutrition and promote breast-feeding.

c2. Limitations :

The extreme poverty of households and the breakdown of family ties and community solidarity are among the main causes of juvenile delinquency and prostitution. The use of contraception is known to act as an incentive to debauchery: hence the reluctance to resort to methods of contraception. Thus, attempts on life become frequent for those with unwanted pregnancies prefer to do away with them using illegal methods: others wait until delivery to stifle the life of the new-born. To illustrate, there is hardly a court session without infanticide being on the case roll. In Niamey in 1998, 14 of the 34 cases on the rolls had to do with infanticide while at Tahoua in 2005, 12 of the 48 cases concerned infanticide.

d) Respect of the opinions of children (article 7)

d1. Administrative, legislative and judicial measures:

The Charter, in its article 7, focuses on freedom of expression. This freedom is also enshrined in the regional conventions and agreements to which Niger subscribed; especially the African Charter on Human and Peoples' Rights in its article 9, and the United Nations Convention on the Rights of the Child (article 12).

Freedom of expression is exercised within the youth grouping "FADA" and school associations recognized by Ordinance No. 84-06 of 1 March 1984, as well as through the public and private media in radio and televised programmes. These programmes like *"la petite école", "la jeunesse face au micro*" have become ideal forums of free expression.

Apart from modern means for the exercise of this freedom, other frameworks also exist in traditional society for this expression. These are regroupings by age group.

During celebration of the Day of the African Child on 16 June every year, children address a message to the population, calling on political authorities to protect their rights.

These ceremonies, organized by the national committee for the survival, protection and development of the child and its field organs, are sponsored by State authorities at the highest.

Associations and NGOs also work to ensure respect of this right.

In addition, school children at end of cycle, have the possibility, through wish forms, to choose the streams they would want to enter while pursuing their studies.

Lastly, the actual establishment of a youth parliament in 2002 has consolidated this recognized right of children.

d2. Limitations:

Despite efforts to guarantee this right, urban areas are noticeably more privileged. In fact, children from rural areas, by far more numerous, do not have access to modern means of communication, and are not part of the youth parliament.

e) Information of children and promotion of their participation (articles 4, 7 and 12)

e1. Administrative, legislative and judicial measures:

The State took measures for the actual application of this right:

Ratification of the United Nations Convention on the Rights of the Child in its article 12;
The African Charter on the Rights and Welfare of the Child;
The creation of juvenile courts;
The creation of the Youth Parliament by Order No. 0010/PAN of 16 April 2002;
The celebration of the Day of the African Child on 16 June every year;
The celebration on 19 and 20 November every year of the Day of the Prevention of Abuse against Women and Children, and World Children's Day respectively.

Despite the existence of all these instruments, difficulties persist. In Niger, the child is considered as a being who owes a duty of obedience and respect to his parents and adults. His opinion does not count even in matters concerning him.

IV. CIVIL RIGHTS AND FREEDOMS

a) Name, nationality, identity and registration at birth (art. 6)

a1. Administrative, legislative and judicial measures:

Niger legislation, through Ordinance No. 85-05 of 29 March 1985 defining the organization and functioning of the civil status, lays down statutory birth registration formalities.

To prompt parents to declare births within the legal timeframes, this enactment provides for penalties and fines in case of non respect of these timeframes and non facilitation of declarations:

- The Penal Code, in sections 251 and 252, provides for and punishes the failure to declare birth;
- The right to nationality defined in section 8 of Ordinance No. 84-33 of 23 August 1984 to institute the nationality code is in conformity with article 6 of the Charter: section 8 of the ordinance provides that any individual born in Niger from a direct first degree ascendant born in Niger shall be a Niger national;
- Section 10(1) also states that a child born in Niger of unknown parents shall be a Niger national. But sub-section 2 thereof cautions that he may lose it when his filiation to a foreigner is established.

a2. Limitations :

Despite awareness campaigns undertaken by the civil status services, associations and NGOs, the population mostly rural dwellers, are ignorant of these instruments and the usefulness of a civil status document. The State does not have adequate means for sensitization.

a3. Achievements:

Ordinance No. 85-05 of 29 March laying down the organization and functioning of civil status led to the creation of principal and secondary civil status centres. These centres have as aim to facilitate the population's access to these institutions and to prompt them to establish the birth certificates of children without having to travel very long distances.
Civil status agents were trained with the support of development partners. NGOs and associations also received support during this sensitization.

In 2003, 16 June was declared as birth registration day.
The National Committee for the Survival, Development and Protection of the Child, in association with the Ministry of Justice, initiated public gatherings throughout the national territory to register the greatest number of children. The exercise was replicated in the outlying neighbourhoods of Niamey in 2004. Activities were financed by UNICEF.

The partners Niger-Plan and UNICEF offered computers to civil status services to ease the coordination of civil status activities.

Despite these efforts, it was noticed that the population mostly rural dwellers are reluctant to establish a birth certificate which is not a priority.

At the level of justice, most applicants are students who are in an examination class, candidates for competitive examinations, job applicants and those wishing to travel abroad.

b) Freedom of expression (article 7)

b1. Administrative, legislative and judicial measures:

The Constitution of 9 August 1999, (article 23 thereof) guarantees this right in conformity with the laws and regulations in force.

Ordinance No. 99-67 of 20/12/99 regulating freedom of expression provides for and punishes offences related to the precipitation of felonies and misdemeanours through exercise of this right. It cracks down on defamation (articles 45 à 57).

The Penal Code, in its sections 220 and 221, provides for and punishes false accusation and the disclosure of secret.

Article 13 of Convention on the Rights of the Child (CRC) stipulates that the child has right to the freedom of expression.

b2. Achievements:

Among State institutions, mention should be made of the creation of the Higher Communication Council, provided for in article 124 of the Constitution of 9 August 1999 which defines it as an administrative authority independent of the political power. It has as mission to guarantee freedom of expression and equitable access of all to the media.

b3. Limitations:

The implementation of this right raises a number of difficulties due to the diverse interpretations of this concept. In both rural and urban areas, it is perceived as inducing children to rebel against their parents and question customary values that require a child to remain silent before an adult.

c) Freedom of thought, conscience and religion (article 3)

c1. Administrative, legislative and judicial measures:

Article 23 of the Constitution provides that: "***Every person shall have the right to freedom of thought, opinion, conscience, religion and worship***". It is the bounden duty of the State to guarantee the exercise of this right which is subject to respect of public order, national unity and social peace.

Article 14 of the CRC guarantees this right for children. While the State guarantees the exercise of this right through enactments and infrastructure, the family environment, for its part, constitutes a blocking factor, inasmuch as it is the duty of parents to ensure the religious, philosophical and civic education of their offspring.

Consequently, it would be quite hard for the child to act outside the context in which he has lived. Such an act would be construed as rebellion. The religious education of children from moslem background cannot be done outside the Quranic schools. Thus, the child has no choice and is bound to follow the religion of his forebears.

d) Freedom of association and peaceful assembly

d1. Administrative, legislative and judicial measures (article 8):

The Constitution in its Article 24: "***recognizes and guarantees the freedom from restraint and the freedoms of association, reunion, procession and demonstration under conditions defined by law***".

The regulation and conditions for the exercise of these rights are stated in Ordinance No. 84-06 of 1 March 1984 laying down the regime of associations. It allows youths to regroup themselves for the purpose of defending their vested and moral interests. Also, there are youth associations for the promotion of sports and cultural activities. Lastly, neighbourhood youth associations can be formed to contribute to works of public utility (sanitation, clearing of cemeteries, etc).

d2. Limitations:

The importance of these informal associations is undeniable. Yet, the lack of supervision often leads to problems (drug abuse, social deviants) for which civil responsibility should be attributed either to parents or the State.

e) Protection of privacy (article 10)

e1. Administrative, legislative and judicial measures:

Article 20 of the Constitution establishes the principle of the inviolability of the home. The same article forbids entry or search, peremptory questioning and arrest without compliance with legal prescriptions.

Thus, sections 51, 52 and 54 of the criminal procedure code state the legal conditions to be met.
The Penal Code provides for and punishes arbitrary arrests and unlawful confinement under sections 265, 266, 267 and 268. Violation of the home is prevented and punished by section 271 thereof.

Article 16 of CRC protects the child against all forms of meddling in his private life, family, home and correspondence as well as all illegal injuries to his character.

e2. Limitations :

Respect of this right in the family is constantly violated. In fact in some families, parents suppose that the child has no private life and feel they must always have an eye on him for his own good.

f) Protection against child abuse and maltreatment (art. 16):

f1. Administrative, legislative and judicial measures:

Article 12 of the Constitution forbids all cruel, inhuman or degrading treatment, torture and slavery.

The protection of these rights is enshrined in article 37 of the CRC.

Ordinance No. 99-11 of 14 May 1999 related to the creation, composition and organization of juvenile courts, in its article 10 dealing with protection, stipulates that: "***Whenever the health, security or morality of a minor of 18 years are in peril or if the conditions of his education are jeopardized, the juvenile court or judge shall be competent to hear the matter***". Article 19 of the same ordinance stipulates measures of placement and educative assistance.

The Penal Code cracks down on all offences committed against children. Thus, sections 278 and 280 punish the misdemeanour and felony of sexual molestation committed with or without violence on minors below 13. It also punishes the kidnapping, unlawful keeping, suppression, and substitution of child, the forcible abduction of a child by a guardian (section 248 to 250), the abandonment of a child or a mentally incapable person (253 and 254) and the enticement of child (sections 255 to 258).

Corporal punishment – which violates the physical integrity of the child – is forbidden in schools. However, this practice persists within families where children are severely chastised with whatever object readily comes to hand, if it is not by torture.

Associative bodies use awareness campaigns to draw parents' attention to the negative consequences of such practices as a means to ending them.

The National Committee on the Fight Against Harmful Traditional Practices (CONIPRAT) has campaigned actively for the prohibition of excision. This practice is now classified as a legal offence and is punishable by law (sections 232(1), (2) and (3) of the penal code).

V. FAMILY ENVIRONMENT AND LEGAL GUARDIAN

a) Parental supervision (article 20)

a1. Administrative, legislative and judicial measures

Article 19 of the Constitution provides that: "**Parents have the right and duty to raise and educate their children. They shall be supported in this task by the State and local governments"**.

The CRC in its article 18 States the same provisions.

In traditional society, education is the responsibility of the entire society. Children are initiated into rites in preparation for their future life. For example, in case of circumcision, all children of the same age are brought together and prepared psychologically. He who shows a sign of weakness becomes the laughing stock of the village.

b) Parental responsibility (article 20, 1)

b1. Administrative, legislative and judicial measures:

Under article 19 of the Constitution, parents have prime responsible for the education of their children. The State and communities must support them in this task.

The CRC in its article 18 also recognizes this principle. In civil and criminal matters, parents are financially responsible for acts committed by their minor children.

b2. Limitations:

The extreme poverty of households makes it difficult to apply this principle. In fact, neither parents nor the State conveniently play their role. The result is an upsurge in street children, some of who do petty jobs to earn a livelihood instead of being at school while others turn to delinquency.

c) Separation from parents

c1. Administrative, legislative and judicial measures:

These measures are governed by Ordinance No. 99-11 of 14 May 1999:

- in case of placement ;
- remand in custody;
- sentence to imprisonment.

The Civil Code also prescribes this measure in case of dissolution of a marriage while taking into account the best interests of the child in conformity with the CRC and the Charter. The child can even be entrusted to a trustworthy third party if his best interests so dictate.

In traditional society, there is a practice which consists of entrusting the child to a relative who is more wealthy or unable to bear children. This measure eludes the judicial institutions.

Separation may also be decided when it is the mother who committed the offence. The children are entrusted to a relative or placed in a care institution.

In case of placement in a State-owned reception institution, the Department of Child Protection is associated and ensures the care of the child.

c2. Limitations :

These are encountered mostly in the case of street children born out of wedlock, those who are abandoned by their mothers, those born of mentally sick mothers and orphans. Such cases are very frequent in urban centres. These children live in reception centres without knowing family, for those who are not lucky to be adopted.

c3. Achievements :

It is worth noting that there are reception centres, most of which are in Niamey. In association with the Ministry of Women's Empowerment and Child Protection, these centres cater for these children until the age of maturity for some and adoption for others.

d) Separation caused by internal displacement due to conflict

In 1990, Niger experienced two armed rebellions in its northern and eastern parts which led to population displacements. Under the peace accord signed in 1995, the High Commission for the Restoration of Peace was created with branches in the affected areas. This institution facilitated the return of people who had fled from the conflict zones.

We equally have the displacement of Chadians who settled in the east of Niger following armed conflict in their country.

Infrastructure put in place: These are camps erected to regroup displaced families. Socio-educative facilities (school, heath centre, women's centre etc) were also built around these camps.

d1. Limitations :

These are linked to socio-professional reintegration after the return of these populations to their region of origin.

d2. Achievements:

The State of Niger, with the support of development partners, set up social reintegration projects for displaced populations. These partners are: the European Union, UNICEF, UNDP, EDF, the World Bank, France, Germany, Belgium, Libya, Burkina Faso, etc.

e) Family reunion and children deprived of family environment (art. 25-2b et 18-3)

e_1. Administrative, legislative and judicial measures

To reduce exodus to urban centres and to the diaspora, the State exhorts farmers to grow out-of-season crops after winter.

Micro-credits granted to women to fight poverty may, to an extent, contribute to family reunification.

In the judicial domain, the reconciliation phase is mandatory whenever divorce proceedings are initiated. In effect, the spouses are given a two-month period of reflection.

In the traditional society, adoption can be reviewed at any time. It is a customary practice which is conducted outside the judicial institutions.

The Penal Code provides for and cracks down on the abduction of a child under custody by virtue of a court judgment (section 259) and desertion of family or the home (section 260).

The CRC in its article 20 recognizes and guarantees this right. Children whose parents are not found are the subject of placement in the different reception centres. They are catered for by the State or the host centre.

f) Maintenance of the child (article 18-3)

f1. Administrative, legislative and judicial measures

Maintenance of the child is one of the first obligations of parents. This principle is enshrined in the Constitution and the CRC.

Despite the existence of these enactments that guarantee the child's protection, their implementation is not effective due to socio-cultural bottlenecks.

f2. Limitations

In tradition, the oldest child of the family is neglected.

The child born out of wedlock is maintained only by its mother whereas the legitimate child is maintained by both parents.

f3. Achievements:

In case of a court judgment pronouncing divorce, the parent not having custody of the children is sentenced to payment of alimony based on his income.

Non payment of this alimony is punishable under the Penal Code (section 261). Apart from this punishment, the president of the court or judge in charge of marital matters may order the seizure of salary.

g) Adoption and periodic evaluation of the child (article 24)

g1. Administrative, legislative and judicial measures

The Civil Code provides for two types of adoptions: simple adoption (sections 343 to 367) and full adoption (sections 368 to 370). It is the second form that is more widespread because the majority of adoption applicants are expatriates.

The CRC in its article 21 accepts adoption that takes into account the best interest of the child.

In traditional society, the consent of the adopted child's parents and the adopting family is sufficient. The best interests of the child are not considered.

g2. Limitations

These are linked to socio-cultural bottlenecks and the majority of the population's ignorance of enactments. Consequently, there are very few, if not no, adoptions by nationals.

Furthermore, some couples prefer to take in the child of a close relative than the child of unknown parents.

Some also think that the judicial procedure of adoption is too demanding (conditions to be met, constitution of a file).

g3. Achievements

International adoption is the most widespread. For greater efficiency of the monitoring mechanism, candidates for adoption must first pass through the *Association de Sauvegarde de l'Enfance en Détresse* (PAIDIA) which has signed a convention with the Ministry of Women's Empowerment and Child Protection. Its mission is to coordinate the adoption of Niger children by French couples.

Regarding the periodic evaluation of the placement of children, the Civil Code recognizes that one of the divorced parents not granted custody of children may apply for a review of the decision when he ascertains that the morality, education and health of the child are jeopardized.

Ordinance No. 99-11 of 14 May 1999 is not very explicit on the periodic evaluation of placement. In fact, section 35 states: "***that the judge shall designate either a qualified person or an approved socio-educative service, and entrust it with the task of providing aid and counselling to the family to help it overcome the material and moral deprivation it is facing"***.

But as per the CRC and Charter, the judge of the juvenile court is always careful to ask for a periodic evaluation, either mid-way or at the end of the placement measure. Upon completion of this evaluation, the placement may either be terminated or renewed.

As far as children adopted outside the national territory, the onus of monitoring the adoption reverts to the Ministry of Women's Empowerment and Child Protection.

h) Child abuse, neglect and exploitation (articles 16 and 27)

h1. Administrative, legislative and judicial measures

Article 12 of the Constitution stipulates that: "***No one shall be subjected to torture, slavery or cruel, inhuman or degrading treatment***".

The Penal Code severely punishes all offences committed against minors.

And Ordinance 99-11 of 14 May 1999 prescribes placement measures when the minor is in danger.

Corporal punishment is forbidden in schools.

h2. Limitations

The customary practice of corporal punishment still persists. Parents feel that this is the proper method of educating a child. Any denunciation is perceived as meddling in the private affairs of the family.

h3. Achievements

The Penal Code protects the moral and physical integrity of the child. Thus, sections 278 and 280 punish sexual harassment with or without violence while sections 255 to 258 punish the enticement of minors committed with or without violence.

The law on the policing of licenced beverage rooms mentioned in section 302 of the Penal Code punishers beverage room operators who give drink to or receive minors in their establishment.

Violations of physical integrity, for their part, are governed by sections 226 and 227 of the Penal Code.

It is also worth noting that following the reform of instruments in 2003, female genital mutilations are considered as offences stipulated and punished by the law. The same law defines slavery as a violation of physical and moral integrity stipulated and punished by the law. (Law No. 2003-026 of 13 June 2003 published in Official Gazette No. 4 of 7 April 2004).

The awareness campaigns conducted by NGOs and associations on the different child rights instruments bore fruit. A number of parents were denounced who torture or maltreat their children, under the guise of giving them good education. Sometimes, it is the victims themselves who report their predicament to the judge. Social services help by indicating to the judge cases of which they become apprised during their activities.

Sexual abuses are also sanctioned by the Penal Code. Thus, rape of minors is a felony (sections 284 and 285). Inciting minors to debauchery is severely punished, although the act is considered as a misdemeanour (sections 292 and 293).

The CRC in its article 19 combats this practice.

h4. Constraints

Constraints are linked to ignorance of the instruments. Sometimes, parents hesitate to take legal action because of judicial red-tape in the processing of files. Others prefer an out-of-court settlement between the parties, provided a certain sum of money is paid.

It is important to note that no structure for the psychological care of victims is envisaged at the level of the State. Only the Support Programme for the reintegration of children in difficulty (PARED) and the Judicial Educative and Preventive Service (SEJUP) have listening centres and ensure the psychological care of children. Otherwise, this care is provided by parents.

VI. BASIC HEALTH AND WELFARE

a) Survival and development of the child (article 5)

Article 11 of the Constitution protects "***the right to life, health, liberty and security"***.

The CRC recognizes this right under article 6.

The Penal Code stipulates and punishes all attempts on life. Thus, abortion and infanticide are punished under sections 295 to 297 and 240 to 243. This punishment also concerns those who abandon a child or an incapable person, inasmuch as such acts may cost the child his life (section 253).

a1. Limitations

Despite the diversity of instruments in force and bodies providing care, the situation of children in Niger remains preoccupying as far as health, nutrition and access to drinking water are concerned.

1. Health:

The situation is characterized by a strong prevalence of infectious diseases, inadequate preventive and curative healthcare services and high infant mortality.
According to the results of the multiple indicator Population and Health Survey of 2006:

- the mortality rate of children below 5 was 1980‰ in 2006 ;
- the infant mortality rate was 81 ‰ in 2001 ;
- the maternal mortality rate was 648 for 100,000 live births in 2006;

Concerning vaccination coverage, the results of the same survey show that only 29% of children received vaccines of the Extended Programme on Immunization and 16% did not receive any dose of vaccine. There are disparities between urban and rural areas. In fact, the proportion of children in rural areas having received all the EPI vaccines is 25% against 48 % in urban areas. Those having received no vaccine represent 6% in urban areas against 18% in rural areas.

HIV/AIDS is also a cause of infant and maternal mortality. The results of the multiple indicator population and health survey of 2006 revealed that the prevalence rate was 0.7%. The rate remains the same for men and women (0.7%). On the other hand, there is

a difference in rural and urban areas with a prevalence rate of 0.5% and 1.5% respectively.

2. Nutrition:

It should be noted that malnutrition is a permanent scourge in both urban and rural areas. It is due to feeding that is unsuitable for one's age.

The causes of malnutrition are malaria, acute respiratory infections, diarrhoea and all infections and diseases addressed by the Extended Programme on Immunization. Thus, low weight was 44% while retarded growth was 50% in 2006. Use of exclusive breast feeding climbed from 2% in 2000 to 13.5% in 2006.

According to the EDSN/MICS III Survey of 2006, the prevalence of moderate retarded growth among children aged 0 to 5 is 20% and that for severe retarded growth is 30%[2].

Though the 2000 MICS survey confirmed that malnutrition among children below 5 was a fundamental problem, it remains true that children in Niger suffer from deficiency in micro-nutrients and iodine deficiency disorders. These deficiencies are an aggravating factor of infant mortality.

A joint UNICEF/Health Ministry study carried out in schools revealed that out of 8,933 students aged 10 to 15, the overall prevalence of goiter was 36% in 1994 and 20% in 1999. On the other hand, the rate of visible goitre was 5.7% in 1994 and 1.5% in 1998[3].

3. Access to drinking water:

Despite commitments made by Niger in this area, especially by ratifying international conventions and laws adopted internally, access to drinking water is not equitable throughout the national territory.

The 2000 MICS survey shows that barely 43% of Niger nationals have access to drinking water. The rate in urban areas is 81% against 36% in rural areas.

The persistent lack of sanitation and hygiene is an impediment not only to better health but also to the conditions of family life and a healthy environment.

a2. Achievements

The elaboration of programmes and their implementation with the support of development partners helped to achieve remarkable progress.

Thanks to the 1994-2000 PDS, health services were decentralized and devolved. The implementation of the primary healthcare strategy led to an increase in health coverage which was 32% in 1994, 56.7% in 2002[4] and 65% in 2005.
As part of the recovery of health costs, the rates levied on children were reduced. It should be noted that vaccinations are free of charge.

[2] NAP/SPDE 2004-2010
[3] Multiple Indicator Population and Health Survey
[4] NAP/SPDE 2004-2010

Thus, the Extended Programme on Immunization conducted nationwide vaccination campaigns. The aim was to increase the rate of vaccination coverage:

Vaccines	**2000**	**2006**
DTC3	28.1	39.3
Measles	35.6	47
BCG	46.8	63.6
Yellow fever		29.9
All vaccines	21.5	29.0
No vaccine	45	16.5

According to the findings of the 2006 Population and Health Survey, only 52.9% of children having had diarrhoea were treated.
Neonatal anti-tetanus vaccination coverage improved between 1992 and 2006, climbing from 23% to 41%.

For the prevention of HIV/AIDS, the State designed a national AIDS control programme. There also are NGOs working in the same strain.

In the domain of nutrition, development partners – HKI, UNICEF and Rotary Club – contribute to the improvement of the nutrition of children.

Various plans and programmes were adopted and implemented. These are:
- the national plan to fight iodine deficiency related disorders;
- the organization of national micro-nutrient days;
- the fight against iron deficiency;
- the promotion of breast feeding.

The implementation of the Heavily Indebted Poor Countries Initiative through the special programme of the President of the Republic made it possible to come closer to the population of rural zones of healthcare centres.

Regarding access to drinking water, Niger adheres to the principles of the 1999 Dublin Conference on Water and the Environment.

Niger also ratified in 1995 the Lome IV Convention related to the protection and development of the environment and national resources:
- the sinking of 18 boreholes;
- the equipment of 16 boreholes with manually powered pumps;
- the training of management committees and menders/craftsmen;
- the eradication of the Guinea worm was also enhanced;
- reduction of the rate of diarrhea cases.

b) Handicapped children (article 13)

b1. Administrative, legislative and judicial measures

Article 19(3) of the Constitution provides that: "***The State shall ensure the equal opportunity of handicapped persons with a view to their advancement and/or social reintegration."***

Ordinance No. 99-0102 of 2 March 1999 – in its section 3 – protects handicapped children. It makes the prevention, screening, care, education, training, guidance and professional

reclassification, employment and social integration of persons suffering from a physical, sensorial or mental impairment obligatory. This obligation has a national character.

Sections 6 and 7 of the ordinance provide for the care of these children by specialized institutions set up for that purpose, once their handicap is detected during examinations conducted in maternal and infant health centres.

These children are integrated in the national education system.
This ordinance was reinforced by its implementing decree No. 96-364/PRN/MDS/P/PF of 15 August 1996.
As part of the promotion of handicapped persons, a national technical committee and divisional committees were created.
The CRC, under its article 23, guarantees and protects the rights of handicapped children.

b2. Limitations

Socio-cultural factors obstruct the enforcement of these rights. The State has insufficient financial and human resources and there are very few infrastructure designed to respond to each category of disability. Those who had the opportunity to study find it difficult to find a job.

b3. Achievements

The State has set up infrastructure for the education and training of these handicapped children at Zinder, Niamey and Maradi. However, these remain insufficient.

There are NGOs and associations that contribute to sensitization and the creation of specialized institutions ensuring the care and professional training of these children.

The implementing decree of Law No. 93-012 of 2 March 1993 makes the following compulsory:

- ante natal and post natal consultations;
- delivery in a medical centre;
- medical follow-up of children;
- vaccinations against endemic and incapacitating diseases;
- prevention and sensitization on the harmful consequences of these diseases.

c) Health and health services (article 14)

c1. Administrative, legislative and judicial measures

Article 11 of the Constitution guarantees the right to health.
The CRC, in its article 24, recognizes the right to health and to benefit from medical services. The same article stipulates that the State must do all it takes to ensure the full enjoyment of this right.
The Ministry of Public Health is responsible for the enforcement and implementation of international instruments ratified by the State.

c2. Limitations

Economic, institutional and cultural factors are real obstacles to the enjoyment and implementation of this right.

On the economic front: the State does not have the financial resources needed to effectively meet basic needs, notably:

- the recruitment of personnel ;
- the provision of health centres with equipment and medication;
- the creation of new healthcare centres;
- the poverty of households makes it difficult for them to pay for the cost of consultation, hospitalisation and pharmarceutical products. In urban and rural areas, the population opts for traditional medicine which is less costly and prefer to buy products sold on the market without any doctor's prescription.

At the institutional level :

- the transformation of State public services into administrative public establishments (APE);
- the centralized management of health services;
- the poor management of these services ;
- the inadequate coordination of private aid.

On the cultural front: some practices impede the protection of infant health. There are taboos that deprive the child of certain foods essential for his growth. In some societies, it is forbidden to give eggs to children. The mother must not give the first milk to her new-born baby or eat food rich in proteins during her pregnancy or while breast feeding. Some mothers also refuse to have their children aged 0 to 5 vaccinated due to their ignorance of its usefulness.

The multiple-indicator Population and Health Survey of 2006 revealed that 54% of educated women had their children vaccinated against 26% of illiterate women. 89% of women educated up to the secondary level gave birth with assistance in a health centre against 29% of uneducated women.

c3. Achievements

A technical service was set up in the Ministry of Public Health, namely: the Child Survival Division in the Department of Maternal and Infant Health.
A health sector policy was adopted in 1995. It is important to note that development partners like UNICEF, UNFPA and WHO lent substantial support as part of bilateral and multilateral cooperation.

Thanks to this support, the following results were obtained:

- drop in infant/juvenile mortality from 318‰ in 1997 to 198‰ in 2006 ;
- rise in ATV vaccination coverage from 34% in 1998 to 41% in 2006 ;
- poliomyelitis vaccination coverage increased from 40.6% in 2000 to 48.7% in 2006. The multiplication of NIDs (4 per annum) helped to reduce the number of polio cases by 44 in 2000 to 11 in 2006 ;
- the resort to ante natal healthcare centres contributed to the improvement of maternal and infant health. From 30% in 1992, it rose to 40% in 1998 and 46% in 2006.

d) Social security and services and facilities for the development of the child (article 20, a-c)

- Social security

d1. Legislative, administrative and judicial measures

Article 19 of the Constitution imposes on parents the obligation to rear and educate their children.

The CRC stipulates that the child has a right to benefit from social security, including social insurance: article 26.

To ensure this protection, the National Social Security Fund was set up with headquarters in Niamey and branch offices in the districts. It provides medical and ante natal care and family allowances.

Article 18(2) of the Constitution enshrines the right of the mother and child to physical, mental and moral health and imposes on the State and local governments the duty to ensure same.

The CRC recognizes the right of any child to an adequate standard of living, as well as to physical, mental, spiritual, moral and social development. The same article states that it is the obligation, firstly, of parents and then, of the State to ensure same.

Section 260 of the Penal Code punishes desertion of the family and the home while section 261 cracks down on non payment of alimony in case of divorce.

Ordinance No. 99-11 of 14 May 1999 also provides for the withdrawal of the child from his family environment when his health, morality and education are jeopardized.

d2. Limitations

It is important to note that violation of this right emanates primarily from the State. In fact, based on Niger legislation, only children with salaried parents enjoy social security coverage, which is contrary to the provisions of the Charter and the CRC.

And even for these privileged few, the State does not regularly pay in its contributions on account of the financial difficulties it is facing.
The majority of children from rural areas where parents are involved in trading are left out.

The only benefit in this regard is access to healthcare and ante natal consultations for all.

The social insurance system put in place by the private sector is not affordable for the population, the majority of who are poor.

- Daycare/nursery services:

These services exist only in urban centres and State structures are insufficient. On the other hand, private establishments abound, but access thereto is limited because of their high cost and the limited means of the population.

The current pratice is generally to hire a nurse to take care of the children. Although this is a less costly option, it holds many dangers for the children (malnutrition, maltreatment, etc).

In rural areas, daycare services are virtually non existent. Thus, the child is entrusted to a member of the family or neighbour to enable the mother go about her business.

- Standard of living (article 20a)

In Niger, it is very difficult both for parents and the State to respect these instruments. We have already mentioned some of these difficulties in the domains of education, access to drinking water and healthcare.
Housing is a particular problem in urban centres:

- Insufficient houses compared to demand;
- High cost of rents;
- The lease and rental code is not respected;
- The few low-cost houses built by the State are not accessible to middle income-earners.

Despite the means provided by the State and the efforts made, especially the sinking of wells and boreholes equipped with manually operated pumps, the coverage rate of drinking water stands at 44% in rural areas and 76% in urban areas.

Generally, the economic and financial situation of the State and the low incomes of households have led to the deepening of poverty in society, especially among the vulnerable segments of the population, namely children.

In 2004, the United Nations Report ranked Niger last but one on the Human Development Index. In 2005, the country slid to the last position.

The national budget consumption surveys carried out in 1989-1990 and 1992-1993 revealed that the people of Niger are poor; 34% are extremely poor and live with less than one dollar per day.

The drastic measures imposed by international financial institutions necessarily led to adjustment measures that curtailed the actual enjoyment of these rights.

d3. Achievements

These concern concrete measures and programmes aimed at poverty eradication, job creation, social reintegration, early warning system, etc.

The poverty eradication programme was adopted by Law No. 24 of 8 July 1997. It aimed at reviving the economy in the short-, medium- and long-term.

Under the special programme of the President of the Republic, women's groups benefited from micro-credits to embark on income-generating or feed-producing activities.

Also worthy of note is the project to set up a credit bank for women.

After the Geneva Roundtable in 2007, Niger presented its poverty eradication programme to development partners who committed themselves to providing their support. An infrastructure management committee was established in rural areas. While craftsmen were trained in the manufacture of parts; other agents were trained to repair any possible breakdowns.

In the domain of sanitation, paved roads and drains were built for the evacuation of waste water.
However, a review is underway to mainstream gender.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

a) Education, including professional training and supervision (art.11)

a1. Legislative, administrative and judicial measures

Education being a national priority, the State took measures on the legislative, administrative and judicial fronts.

Article 19 of the Constitution, enshrining the right to education, stipulates that parents have the right and duty of rearing and educating their children, being supported in this endeavour by the State and local governments. Thus, prime responsibility falls on parents who must then be supported by the State and public collectivities.

This constitutional guarantee is buttressed by the following instruments:

- Law No. 98-12 enacted on 1 June 1998 related to the orientation of Niger education system and referred to as Orientation Law of the Niger Education System (LOSEN). It governs the whole education system (education, training). Section 7 of LOSEN provides that: "**Education shall be compulsory for any Niger citizen without discrimination sex, race or religion"**.

This law imposes on the State the duty to make primary education compulsory for children aged 4 to 16. Lastly, it forbids the exclusion or withdrawal of children (girls and boys) from school before age 16, for whatever the reason.

- The Accelerated 'Education for All' Programme (EPT/PA) whose goal is to ensure basic education to adolescents and adults, as defined by the World Conference on Education for All, held in Thailand in 1990.

The Ministry of Basic Education and Illiteracy has crafted a programme for the period 2003-2012 which comprises:

- the construction of class rooms;
- the recruitment of teaching and contract staff.

Its implementation is threefold:

- accelerate enrolments;
- reduce illiteracy;
- improve the quality of teaching and training.

In 1993, an anti-illiteracy programme was elaborated to make it easier for rural communities to access information and enhance the effectiveness of literacy actions.

The CRC, which recognizes this right through its Articles 28 and 29, was also ratified.

a2. Limitations

Despite the ratification of international conventions and implementation of measures, the set goals are still a long way off.

In Niger, 2 out of 3 children of school-going age do not attend school, with girls being more numerous. Furthermore, 4 out of 5 youths and adults can neither read nor write.

Niger's education system is characterized by its low performance as it is tailored neither to the local context nor to set objectives. Its enrolment rate is one of the lowest in the sub-region.

The language of instruction is also a real handicap, especially for the first three years.

In rural areas, school is perceived as a factor of acculturation. According to the 2004-2005 annual statistical directory of the Ministry of Basic Education and Illiteracy (MEB/A), Niamey has the highest number of preschool establishments with 44% of enrolments. On the other hand, enrolments in Diffa stand at 1%, while Dosso, Tahoua and Maradi each having 10%. Urban areas continue to dominate with 83% compared to rural areas.

In 2003, Government and private schools of basic cycle 1 had only 857,592 pupils out of a population of 1,890,165 children of school-going age.

According to MEB/A's 2001/2002 annual statistic directory, the enrolment rate in basic cycle 2 is 3.31% while the drop-out rate is 41.99%.

The difficulties are virtually the same for illiteracy. The illiteracy rate is 83.5%, according to MPHS 2003.

The population is not sufficiently sensitized on the usefulness of school. Furthermore, as parents are extremely poor, they prefer that their children look for jobs.

Other factors include the phasing out of the State in the education sector characterized by a drop in the number of textbooks and supplies provided to Government schools; the suppression of boarding facilities and canteens; parents' contribution to the footing of schooling bills and; insufficient budgetary resources granted by the State.

Furthermore, the unemployment rate among young graduates is high, exacerbated by the recruitments freeze in the public service.

The living and hygienic conditions in schools are precarious. In the first cycle of basic education, 11.2% of schools are fenced and 1,026 have latrines. Further, 32.4% of classes are thatched.

In 2004-2005, 445% of kindergartens had neither latrines nor water points. The situation is more preoccupying at Tillaberi, Dosso and Tahoua where an average of 33 children share one latrine.

a3. Achievements

Despite difficulties faced in education, Niger's education system has made some significant strides.

Thus, the country agrees to the principle that education is the foundation of development.

By adopting and implementing LOSEN and PDDE, Niger reaffirms its compliance with commitments made in the area of education.

With regard to the development of the child, various programmes and policies implemented with the support of development partners have helped to improve the school enrolment rates, especially for girls. In 2005, the gross rate of primary enrolments stood at 62% for boys and 43% for young girls, corresponding to an average of 52%. UNICEF and other partners also provided support in the setting up and equipping of community alert centres.

The infant development policy will soon be adopted. It previews the training of kindergarten educators and coordinators of community alert centres as well as skills development for a better management of preschoolers.

In 1996, the Technical Unit for the Promotion of Girl Enrolments was set up under the Basic Education Sector Project (PROSEF).

Also, the World Bank through PROSEF helped in the construction of 1,770 new classrooms, the rehabilitation of 1,500 others as well as the recruitment of 1,852 new teachers. Refresher courses were also organized for 1,401 already employed teachers.

In 1999, a girl enrolments and women's literacy support programme was created as part of the Education/ADF (African Development Fund) Project.

A memorandum of understanding was also signed between UNICEF and the Niger Traditional Rulers' Association (ACTN) aimed at sensitizing the public on the importance of enrolling girls in school.

A research/action programme for girls' enrolment is under implementation.

In 2002, a Department of Promotion of Enrolments and Training of Girls was created. It was responsible for coordinating all activities in the domain of education.

The special Programme of the President of the Republic, initiated in 2001, contributed to the reinforcement of infrastructure. Thus, 3,595 new schools were created in 5 years.

In private education, the number of schools increased from 120 in 2001 to 140 in 2002.

The living conditions of pupils improved slightly. Thus, the number of schools with water points reached 60% while 4% of schools in nomadic zones were equipped with school canteens and 11.2% were equipped with latrines.

Ten (10) community development centres were opened and offer training in agriculture, feed production, sewing, carpentry, secretariat services, leather processing and cooking.

b) Leisure, recreation and cultural activities (article 12)

b1. Legislative, administrative and judicial measures

Articles 14 and 19 of the Constitution guarantee the child's right to the free development of the cultural and intellectual aspects of his personality, and to the material and intellectual development of the youth. The State must ensure the full exercise of this right.

The CRC guarantees the right of the child to leisure, play and participation in cultural and artistic activities.

A Ministry of Youth Affairs, Sports and Culture and the *Francophonie* Games was created. Another Ministry was also set up and charged with the Professional Integration of Youths and Communities.

b2. Limitations

These are principally linked to inadequate infrastructure, supervisory staff and financial means. Such difficulties are more glaring in urban centres where playgrounds have largely been parcelled out and sold by the municipal authorities. In 1991, the Ministry of Youth Affairs, Sports and Culture took stock of sports facilities in Niamey. The exercise revealed that there was 1 football field for 3,554 students and 1 basketball court for 2,000 students.

Furthermore, the sports facilities of colleges and Government high schools are obsolete.

b3. Achievements

During 1975, the annual youth festival – the event which brings together the youth of the country to compete in cultural and artistic activities – was instituted.

As concerns leisure, two legislations were passed, namely: Law No. 98-085 and Law No. 98-086 of 6 April 1998. The first institutes the national youth charter while the second relates to the declaration of the national youth policy. These legislations seek to ensure the full development of the youth.
Furthermore, the following activities are organised periodically:

- The Dan Gourmou Award instituted in 1983 which makes it possible to discover new musical talents and ensure their supervision;
- The Niger traditional dance and music festival ;
- The traditional wresting championship;
- The Niger students' week, which brings together pupils/students from all over Niger, is designed to strengthen national cohesion;
- The Niger cinema week;
- The drama and humour week;
- The long-holidays tournament, during which sports, mostly football competitions are organized for the neighbourhood youths;
- Students' celebrations;
- Holiday camps.
- Niger's participation in the international festival for artistic and cultural integration organized in Burkina Faso.
- The organization of the children's artistic and cultural festival (sukabé)

16 June, proclaimed as Day of the African Child, is commemorated each year with a selected theme.

Also worthy of note is the participation of NGOs which organize cultural events for the benefit of children experiencing family difficulties.

In the area of infrastructure:

- 800 youth centres were created throughout the national territory ;
- 8 traditional wrestling arenas were created in the 8 regions of the country;
- Some thirty youth and cultural centres were created at the local and regional levels;
- 7 mini sports complexes were built in each regional capital;
- A multipurpose stadium and a conference centre were built in Niamey.

Some private institutions also contribute in this regard: for example, the Franco-Niger cultural centre, the American cultural centre, the Arab Libyan cultural centre, with facilities for reading, conferences and youth recreational activities.

VIII. SPECIAL PROTECTION MEASURES

a) Children in emergency situation

a. Refugee, returnee and displaced children (articles 23 and 25)

a1. Legislative, administrative and judicial measures

In the absence of applicable national legislation, Niger ratified a number of international conventions, including:

- the United Nations Convention of 28 July 1951 on the status of refugees, as amended by the protocol of 31 January 1967 ;
- the Convention of the Organization of African Unity of 10 September 1969 which deals specifically with the situation of refugees at the regional level;
- the United Nations Convention on the Rights of the Child;
- the African Charter on the Rights and Welfare of the Child.

a2. Limitations

As this phenomenon is little known in Niger, the only constraint is linked to the problem of cohabitation between indigenes and settled refugees. On account of the assistance they receive from the State and international institutions, the refugees are considered as privileged.

a3. Achievements

In refugee settlement areas, the State has set up camps to receive them. The camp has houses, a socio-educative complex, schools and training workshops. The High Commission for Refugees also supports the management of these refugees.

b. Children in armed conflicts (article 22)

b1. Legislative, administrative and judicial measures

The CRC in its article 38 enshrines this right. States must respect it, being under obligation to ensure that children below 15 are not involved directly in conflicts or conscripted into the armed forces.
There also is the optional protocol of the CRC related to the conscription of children in armed conflicts.
Niger's laws prohibit the conscription of children below 18 in the armed forces.
In 1995, the State signed a peace agreement with the different branches of the armed rebellion.

b2. Limitations

After a long absence, socio-professional reintegration was implemented albeit with difficulties. The limited intervention capacities of the State, NGOs and Association make it difficult to better cater for this category of children.

b3. Achievements

- The populations have returned to their region ;
- The High Commission for the Restoration of Peace was established along with its branches in the zones affected by conflicts (Agadez, Tahoua and Diffa) ;
- Schools, dispensaries were created and corn mills installed;
- A programme for the reintegration of displaced persons was put in place;
- Donors like the European Union, France, UNICEF, EDF, UNDP, the World Bank, Germany, Belgium, etc lent support to the implementation of this programme.
- The NGO *Monaco Aide et Présence* provided support to the displaced children of the Northern region.
- A module on the CRC was incorporated in the training of the defence and security forces.

b) Children in conflict with the law

a. Administration of juvenile justice (article 17)

a1. Legislative, administrative and judicial measures

Article 40 of the CRC advocates that preferential treatment should be given to children in conflict with the law.

Ordinance No. 99-11 of 14 May 1999 is in full conformity with the provisions of the convention and the African Charter on the Rights and Welfare of the Child.
Section 14 of the Ordinance provides that: "***where legal action is brought against a minor for a misdemeanour, felony or a minor offence, the start of preliminary investigation shall be compulsory".***

Sections 32 and 33 of the ordinance state the penalties applicable to minors.

Thus, minors below 18 having acted indiscrimatorily must be acquitted and may be granted measures of protection, assistance or re-education.

In the case of a sentence under criminal law, the minor will be sentenced to from 2 to less than 10 years and in case of a minor crime, the penalty will be reduced by half.
The ordinance introduces some novelties in its provisions: deferment of sentence, waiving of sentence, reprimand, the requirement to do community work as well as measures of protection to be followed up by the juvenile court judge.
Another feature is the non inclusion of the sentence in the minor's criminal record.

a2. Limitations

These are due to:

- the inadequate number of the State-run placement bodies provided for in the instruments;
- the paucity of human, material and financial resources;
- the majority of detention centres do not have sections for minors;
- the well known shortage of specialized educators.
- the ignorance of legal instruments.

a3. Achievements

- Juvenile courts were put in place in 1999 ;
- The first judges of juvenile courts were trained, with UNICEF funding;
- in 2003, there were 10 juvenile courts and 40 judges;
- there are 2 courts of appeal ;
- there is 1 Supreme Court;
- the actors are: parents, guardians, social workers, local multi-disciplinary committees;
- the preventive educative and judicial service (SEJUP) was created;
- The JJP (Juvenile Judicial Protection) Programme was put in place.

c) Children deprived of freedom, including any form of detention, imprisonment or placement in a detention centre and respect of the provisions of article 5 prohibiting the pronouncement of the death sentence on children

b1. Legislative, administrative and judicial measures

Articles 15 and 17 of the Constitution protect individuals against illegal arrest and enshrine the principle of presumption of innocence and the right of defence.

Section 15 of the ordinance provides that the minor who is the subject of legal proceedings must be heard in the presence of a lawyer appointed by court. In the absence of a lawyer, he must be heard in the presence of his parents, guardian or legal representative.

Section 33 of the ordinance outlines the penalties that may be meted to the minor. Thus, if he incurs the death penalty, he will be sentenced to imprisonment of from 10 to 30 years. He can no longer be sentenced to life imprisonment.

Sections 23 and 24 fix the time periods of remand in custody for minors. In correctional matters, it cannot exceed 3 months and in criminal matters 1 year.

Regarding minors' section in detention centres, only those in Niamey, Zinder and Agadez have one.

According to information gathered at the justice department of Niamey, 101 minors were prosecuted in 2003, of whom 92% were boys and 8% girls.

The types of offences identified are: theft (45%), rape and indecent assault (10%), homicide (5%) and infanticide (4%).

It is also important to note the appearance of new types of offences like rape committed by organized groups.

b2. Limitations

These are due to:

- the inapplicability of certain provisions of instruments;
- the infrequency of denunciations emanating from the population ;
- hesitation of magistrates to prosecute;
- inadequate sensitization;
- shortage of infrastructure and material and logistical means;
- the vast majority of detention centres are obsolete and run down while others are tottering on the brink of ruin;
- deplorable hygienic conditions;
- insufficient human resources;
- inadequate training of actors (judges, court registrars, social workers, the police and gendarmerie);
- insufficient reintegration activities and education institutions.

b3. Achievements

- adoption of Ordinance No. 99-11 of 14 May 1999 related to the creation, composition and organization of juvenile courts;
- creation of a minors' section in the prisons of Niamey, Agadez, Maradi and Zinder;
- retraining activities in prisons;
- the PARED de CADEV Niger Project and SEJUP ensures the educative supervision of minors in prison and their liberation.
- the National Commission on human rights and freedoms which ensure the respect of legal conditions of detention;
- actual performance of community work;
- the judicial reforms support programme provides for the creation of a minors' section in future detention centres to be created.

d) Reformation, reintegration in the family and social rehabilitation (art. 17.3)

c1. Legislative, administrative and judicial measures

Section 19 of the ordinance provides for a number of measures related hereto:

1. handing back the child to his parents or entrusting him to a guardian or trustworthy third party;

2. placing the child in a reception centre;
3. or in an education or vocational training establishment or institution, at the behest of the State or an authorized public administration;
4. in a child welfare service or hospital institution;
5. and lastly, placing the child temporarily in an approved observation home when his physical or mental state so dictates.

c2. Limitations

These are linked to the difficulty of applying section 19 of the ordinance:

- shortcomings of structures provided by the law;
- parents' unwillingness to collaborate ;
- the actors' ignorance of the instruments
- Insufficient sensitization.

c3. Achievements

There are a number of NGOs and associations like SEJUP which ensure the child's reintegration in the family and his social rehabilitation.

Between 2006 and 2007, about 5,418 minors were monitored by SEJUP. 280 children were returned to their families and over 400 youths were apprenticed on the basis of projects elaborated in a participatory manner after their liberation (soldering, tailoring, mechanics and carpentry).

e) Children of imprisoned mothers

A. Special treatment to expectant or breast-feeding mothers, and mothers with infants, found guilty under the law (article 30 and 30(d))

a1. Legislative, administrative and judicial measures

Decree No. 63-103/PRN/MJ of 15 June 1963 in its article 3 stipulates that: "***accused and convicted persons of the feminine gender shall be placed in a section separate from men"***.

During the last two months of their pregnancy, pregnant women are placed in a separate unit but which communicates with the dormitories of the other inmates.

After delivery, they will continue to stay there for one month. Even after weaning their babies, these mothers can keep their children with them until they turn 15.

a2. Limitations

Article 3 above conflicts with the provisions of article 30 of the Charter which forbids all the practices mentioned in article 3 of the decree of 1963.
The provisions of the applicable legislation have not been harmonized.

a3. Achievements :

- ratification of the African Charter on the Rights and Welfare of the Child;
- ratification of the convention on the rights of the child;
- the national commission on human rights and freedoms;

- liberation for health reasons ;
- the presidential pardon and remission of sentences during national events.

B. Reformation, mother's integration in the family and social rehabilitation

b1. Legislative, administrative and judicial measures

No measure has been taken in this direction concerning the mother.

b2. Limitations

- Absence of legislative, administrative and judicial measures concerning the convicted mother;
- Insufficient means.

b3. Achievements

Article 30(f) of the Charter fills this lacuna. There are NGOs and associations which operate at the level of women's section in detention centres and train these convicts in tailoring and needlework.

f) Child exploitation and abuse

A. Economic exploitation, including child labour (article 15)

a1. Legislative, administrative and judicial measures

The Niger Labour Code, particularly Ordinance No. 96-033 of 29 June 1996 lays down the conditions of child labour and prohibits the employment of children for work that is above their capacity and that might be harmful to their health and development.

Article 32 of the CRC subscribes to the protection of the child from any work that is likely to be harmful to his health, education and development.
Niger ratified ILO Convention 138 in 1978 on the minimum age of admission to employment.

It also ratified ILO Convention 182 of 1999 on the worst forms of child labour.

Law No. 2003-025 of 13 June 2003 to amend Law No. 61-27 of July 1961 instituting the Penal Code introduces new offences: the felony of genocide (section 208(1)) and slavery (section 270(1) to 270(5) new of the Penal Code).

On 27 July 2005, Niger also subscribed to the memorandum of understanding on multilateral cooperation in the fight against child slavery in West Africa.

a2. Limitations

- The main difficulty stems from the poverty of parents;
- Children are introduced too early to the job market;
- The informal sector absorbs the vast majority of the children;
- The instruments are hard to implement;
- Society has its own perception of the notion of work;
- Society has its own perception of the notion of children.

a3. Achievements

- The Labour Code includes provisions on child labour.
- Niger has subscribed to the different international conventions protecting the child from economic exploitation (ILO Conventions 138 and 182).
- Niger's Labour Code introduces and cracks down on new offences like slavery, genocide, etc.
- Associations combating child labour lend their support to the efforts deployed by the State.
- The IPEC programme is implemented
- A national child labour steering committee and coordination unit are in place;
- A national action plan to fight child labour exists.

B. Drug abuse (article 28)

b1. Legislative, administrative and judicial measures

Ordinance No. 99-42 of 23 September 1999 related to the fight against drugs in Niger regulates the possession, sale, transfer and consumption of narcotics, mood modifying drugs and precursors.

Article 33 of the CRC protects children from the consumption of narcotics.

Section 147 of the above-mentioned ordinance forbids the supply of toxic chemical sniff glue to children, on pain of imprisonment sentence ranging from 1 to 5 years and fine from 100,000 to 500,000 Francs.

Section 115 even provides for measures of treatment in replacement of the prison sentence.

b2. Limitations

- Widespread use of dissolution and essencen gas by inhaling.
- The population's indifference to this fast growing phenomenon.
- The sale of glue is not regulated.
- The use of certain weeds which have a hallucinogenic effect.
- The absence of specialized detoxification structures although previewed by the instruments.
- The most serious cases are managed by psychiatric services.

b3. Achievements

- Existence of an anti-drug centre;
- Creation of a national anti-drug commission;
- Seizure and incineration every year of large quantities of drugs.

C. Abuse and torture (article 16)

c1. Legislative, administrative and judicial measures

Article 12 de la Constitution forbids all acts of torture, physical violence or degrading and inhuman treatment.

The Penal Code punishes all forms of physical or moral abuses committed on children.

Corporal punishment is prohibited in schools.

Article 34 of the CRC protects children against violence.

Section 227 of the Penal Code assimilates deprivation of food or care likely to undermine the health of a child below 13 to the violence defined in section 226 thereof.

These acts constitute aggravating circumstances:

- The abandonment of a child or incapacitated person is considered as an offence provided for and punished under sections 253 and 254 of the Penal Code;
- The enticement of minors as provided for under sections 255 to 258 of the Penal Code.

c2. Limitations

Traditionally, corporal punishment is part of the means of education of children. Sometimes, such punishment is in the form of physical violence leaving indelible traces on the children.

- Society's reluctance to report these practices to the competent authorities;
- Such an act would be perceived as interference in the family's affairs;
- The lack of sensitization on the negative consequences of these practices ;
- Instances of prosecution are rare because very few cases are brought to the knowledge of judges.

c3. Achievements

National and international instruments exist which protect children from these abuses.

The association *SOS femmes et enfants victimes de violence* carries out awareness campaigns.

The PARED Project and SUJEP carry out actions targeting parents for a better protection of child rights.

D. Sexual exploitation and abuse (article 27)

d1. Legislative, administrative and judicial measures

The Penal Code defines most of the sexual violence perpetrated against minors as criminal acts and punishes them as such. Sexual harassment with or without violence on minors below 13 (section 278 and 280) is punished with prison sentences ranging from 2 to less than 10 years and from 10 to 20 years.

This punishment also extends to acts of impropriety perpetrated on minors of the same sex. Rape of minor is also characterized as a felony.

Other offences such as procuring, inducement to debauchery and enticement of minor are severely punished by the law.

Article 34 of the CRC protects minors against sexual abuse.

d2. Limitations

Although instruments exist that punish these abuses, some parents hesitate to lodge formal complaint. Denunciation does not go well with society. Sometimes, parents prefer to reach an understanding, provided a certain sum is paid as compensation.

Others see in preliminary investigation another source of judicial redtape. Thus, justice is the last resort.

d3. Achievements

The relevant legislation is very repressive:

- the emergence of the phenomenon of group rape in 2002 prompted the population to denounce these acts;
- the fight against poverty might put an end to some types of sexual exploitation.
- The care of junvenile prostitutes by NGOs and their retraining in tailoring, hair-dressing, cooking, etc.
- 138 girls received free medical care.

E. Other forms of abuse and exploitation such as begging, teenage pregnancy (article 29b)

e1. Legislative, administrative and judicial measures

The Penal Code cracks down on the misdemeanour of begging (section 179). Meanwhile, section 181 punishes parents who benefit from the begging of their minor children.

The code also cracks down on the enticement of minors with or without violence. The penalty depends on the gravity of the offence.

e2. Limitations

These are linked to socio-cultural constraints:

- the poverty of the population ;
- the non application of instruments on religious grounds;
- the urge of parents to send their children into the streets to beg;
- the *marabouts* who demand that their pupils pay a certain sum of money;
- some parents hire out their children as guides to blind beggars, subject to a daily remuneration;
- the victims of teenage pregnancies are rejected by their families;
- children conceived outside marriage constitute a failure for the family;
- some girls prefer clandestine abortion, thus putting their lives in danger;
- others commit infanticide ;
- there are no State structures providing care.

e3. Achievements

- The African Charter on the Rights and Welfare of the Child protects these children.

- Associations and NGOs carry out sensitization activities.

F. Sale, child trafficking and abduction (article 29)

The Penal Code punishes child snatching and the unlawful keeping, suppression, substitution and abduction of a child.
The new Penal Code includes slavery as an offence (section 270(1), (2), (3), (4) and (5).
The sale and tafficking of children is a phenomenon that is officially unknown in Niger.

g) Children victims of harmful social and cultural practices

A. Promise of marriage of girls and boys, early and forced marriage

a1. Legislative, administrative and judicial measures

Niger does not have a family code. It is the custom of the parties that regulates cases.

The Mandel Decree of 13 July 1939 fixing the age of marriage at 14 for girls and 16 for boys is the only law of reference.

Article 21 of the Charter which protects children from harmful social and cultural practices could be a response to the juridical lacuna.

a2. Limitations

Limitations are both legal and socio-cultural.
At the legal level, the Mandel Decree, which is still in force, clearly conflicts with article 21 of the Charter. No harmonization measure is in sight. This difficulty is compounded by the non existence of a family code.
On the socio-cultural front, early and forced marriages are an integral part of local customs.
The different conventions ratified by Niger are perceived by society as a challenge to local customs.
These marriages are a factor that fosters cases of fistulas and prostitution. Marriage is an affair of families: the consent of the spouses does not count.

a3. Achievements

- The African Charter on the Rights and Welfare of the Child which proscribes these practices.
- The partnership agreements signed between traditional rulers and UNICEF to sensitize parents on the harmful consequences of these practices.
- Women's associations and other human rights groups carry out sensitization work, training sessions and debates for a better respect of these rights.

B. Female genital mutilation

b1. Legislative, administrative and judicial measures

Article 11 of the Constitution guarantees the right to physical integrity.

Section 232(b) (new) of the Penal Code provides for and punishes female genital mutilation.

Article 19 of the CRC protects children against maltreatment.

b2. Limitations:

These practices are rooted in the local customs:

- The existence of women who are excision practitioners;
- The difficulty of enforcing instruments.

b3. Achievements :

- Enforcement of instruments by magistrates: in 2005, an excision practitioner was sentenced to 3 months of imprisonment and a fine of 20,000 Francs.
- MPF/PE's advocacy in collaboration with NGOs and Associations led to the adoption of instruments of criminal law on female genital mutilation.
- Sensitization of excision practitioners and their reconversion to income-generating activities.

C. Forms of harmful social and cultural practices (article 211b)

c1. Legislative, administrative and judicial measures

These practices are not the subject of any specific regulations. They are: removal of the uvula, tribal scarification, food taboos and the practice of gavage.

These practices tend to phase out naturally, because they are more or less abandoned. In urban areas, sensitization on gender also helped to reduce gender-based discrimination against children.

c2. Limitations

c3. Achievements

h) Children from a minority group (article 26)

f_1. Legislative, administrative and judicial measures

Article 18 of the Constitution establishes this right, especially the equality of all before the law without distinction as to sex or social, racial, ethnic or religious background.

The last paragraph of the same article guarantees to foreigners the same rights and freedoms as Niger nationals under conditions determined by law.

The Penal Code in its section 102 cracks down on misdemeanours and felonies of a racial, regionalistic and religious nature.

Similarly, the CRC in its article 2 guarantees this right.

f2. Limitations

Generally, discriminations are socio-cultural in nature:

- the existence of castes in society (praise-singers or *griots*, blacksmiths, weavers) ;
- the survival of certain slavery-related practices;
- the population's ignorance of instruments;
- religious intolerance in certain regions.
- difficulties in enforcing instruments.

f3. Achievements :

The existence of instruments cracking down on these discriminatory practices induces strict respect of the laws.

A National Commission on Human Rights and Freedoms and a Department of Human Rights were created in the Ministry of Justice.

There are human rights associations which carry out sensitization activities.

i) Children needing special protection (article 26)

g1. Legislative, administrative and judicial measures

Ordinance No. 93-01-012 of 2 March 1993 in its section 7 stipulates that: ***"Handicapped children shall have the right to education which must be integrated in the national education system".***

Section 35 of Ordinance No. 99-11 of 14 May 1999 lists a series of protection measures.

g2. Limitations

They are linked to economic hardships and socio-cultural constraints.

- Specialized institutions are insufficient,
- The number of schools is not up to demand.
- The lack of employment opportunities after school.
- There are only 8 specialized schools nationwide, and just 3 are state-owned.

g3. Achievements

Despite its tight financial situation, the State has built schools for the deaf and blind. According to MEB/A 2004-2005 statistics, the enrolment rate in specialized schools (deaf and blind) stands at 52%, of which 62% for boys and 43% for girls, with 57% in urban areas and 51% in rural areas.
Most vulnerable children are catered for through associations, NGOs and projects.

UNICEF and other partners lend substantial support to these associations and NGOs in the context of their activities and step in to finance the integration of handicapped persons.

Thanks to the support of Christoffel Blinden Mission, the community-based Project for the Rehabilitation of Blind and other Handicapped Persons (PRAHN) performed eye operations on 500 children in 2002, 54 of whom received orthopedic apparatuses, prostheses and tricycles.

Refresher courses were organized for teachers of deaf and blind schools, with UNICEF support. 30 blind pupils in the country received learning aids.

It should be noted that no specific study was carried out on AIDS orphans. The national sero-prevalence survey conducted in 2002 only revealed that in certain regions of the country, over 5% of pregnant women were infected with HIV/AIDS.

Yet, section 230(2) (new) of he Penal Code stipulates that: "***the fact of knowingly exposing another person to the risk of the acquired immune deficiency syndrome (AIDS) disease shall be punished with imprisonment of 5 to less than 10 years and a fine of from 50,000 to 500,000 francs".***

IX. RESPONSIBILITIES OF THE CHILD

a) Parents, the family and the community (article 31)

a1. Legislative, administrative and judicial measures

The fact that the Charter introduces responsibilities of the child is an innovation in relation to the CRC which confers only rights.

We should however point out that article 31 of the Charter is in conformity with customs in this regard.

Custom imposes on children the respect of their parents, older persons and the elderly, as well as the duty of assisting them. The education of children within the family rests on these basic principles. The community also participates in the education of the child.
In urban centres, these practices have changed profoundly because of the intrusion of foreign civilizations conveyed through the media, television etc.

a2. Limitations
a3. Achievements

b) Duty to serve the national community

This duty is manifested through actions carried out in the public interest by youths organized in groups:

- They participate in tree-planting activities through the national service of participation;
- Public sanitation operations;
- Holiday classes organized for their younger brothers to enhance their level at school.
- They guard their neighbourhood whenever security is undermined.

c) Preservation and strengthening of the solidarity of society and the nation

c1. Legislative, administrative and judicial measures

In the absence of specific legislation on children in this area, the Constitution in its articles 28,29, 30 and 31 defines these duties of a general scope.

CONCLUSION

From the analysis of the situation of the child in terms of his survival, protection, development and participation, the following conclusions can be drawn:

- Niger has a substantial legal arsenal on the protection of child rights;
- The ratification of the Convention on the Rights of the Child was done in 1990 and the African Charter on the Rights and Welfare of the Child in 1996 ;
- The implementation of these conventions is entrenched through legislative, administrative and judicial measures taken internally;
- A Department of Child Protection exists within the Ministry of Women's Empowerment and Child Protection
- A commission was set up to harmonize and reform instruments ;
- Juvenile courts were created.

However, we should not hide the difficulties encountered in implementing these rights in the domains of health and education and in the enforcement of certain instruments.

Access to healthcare for all is not effective. The rate of infant/juvenile and maternal mortality has not receded significantly. Moreover, malnutrition persists.

In rural areas, there is still discrimination in terms of access to education (girls and boys) whereas in urban areas, the disparity between rich and poor is evident.

On the legal front, some customs and laws in force conflict with the international conventions to which Niger is signatory.

Unlike the CRC, the African Charter on the Rights and Welfare of the Child has no provisions exhorting States to forge partnerships in its implementation.

All these notwithstanding, bilateral and multilateral partners as well as associations and NGOs contribute to the implementation of the Charter. Thus, UNDP, UNICEF, WHO, ILO, France, Belgium, Germany etc provide financial and material support to help the State in its efforts to implement action plans elaborated. International organizations like HKI, Plan-Niger, *Aide et Action*, CADEV, Care International and *Vision Mondiale* have operations on the ground.

Lastly, national associations and NGOs, each in its own sphere, carry out sensitization activities in urban and rural areas, and organize training seminars for a better mastery and respect of instruments. They also carry out concrete actions such as integration of youth and literacy.

This partnership between different actors and the State has brought about major developments in the domain of child rights. However, significant efforts are still needed.

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