UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.29/Rev.1
17 October 2001

ENGLISH AND FRENCH ONLY
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

NIGER

[28 December 2000]

GE.01-45199 (E)

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I. GENERAL MEASURES OF IMPLEMENTATION

A. The measures taken to harmonize national law and policy with the provisions of the Convention

Legislative measures

1. The State's determination to harmonize national law with the provisions of international instruments is reflected in the Ordinance establishing the National Commission on the Reform of Civil and Criminal Legislation. The Commission has just submitted a draft bill on minors, in support of such other legislation as Act No. 67-15 of 18 March 1967 on protection of the civil interests of minors and the Decree of 15 June 1967 establishing prisons and prison quarters for juveniles. The State has also set itself the goal of establishing juvenile courts by the year 2000. Ten juvenile magistrates have been trained to that end.

2. In the administrative sphere, there are several agencies that deal with children in difficulty, including the SOS Village and the orphanage, the "Guidan Yara" day-care centre, the social services of the Ministry of Justice, the shelter for abandoned children and the Dakoro re-education centre, established on 14 November 1952. Another measure taken to help children exercise their rights was the establishment in 1993 of the Department for Child Protection in the Ministry of Social Development. A third was the establishment of a "survival" division within the Ministry of Health. Due to the emergence of non-governmental organizations (NGOs) and other associations concerned with the right to participation, a project to develop a national coalition for the defence of children's rights is under way, aimed especially at encouraging children's participation.

3. Finally, to coordinate efforts on behalf of children, the National Programme of Action for the Survival, Protection and Development of Children was elaborated in 1992.

B. Existing mechanisms or programmes for coordinating policies relating to children

4. The National Programme of Action for the Survival, Protection and Development of Children was elaborated in 1992 with the help of Niger's partners. The Programme, which encompasses the fields of education, health, environment, justice, labour and leisure, was adopted by the Council of Ministers and entered into effect on 22 June 1992. Its principal objective is the well-being of mothers and children.

5. Under the National Programme of Action, strategies have been defined to implement measures for the protection, survival and development of children and to disseminate regional and international instruments relating to children's rights.

6. The National Committee for the Survival, Protection and Development of Children, established in 1991, has been made responsible for the implementation of this programme. The following are the Committee's goals:

To ensure that the "child first" principle is always taken into account in the preparation of development projects and determination of budgetary allocations;

To operate at all times as the national agency in charge of advocacy and mobilization on behalf of the children of Niger;

To ensure the implementation of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child;

To publish an annual report on the situation of children in Niger, on the anniversary of the World Summit for Children.

The Committee is under the responsibility of the Ministry of Social Development, Population, Advancement of Women and Protection of Children. The Department of Child Protection is the steering committee for its permanent secretariat, whose membership includes all the partners involved in the implementation of the Convention.

7. A considerable effort has been made to implement the programme, especially in the area of survival and development (education, health). A health sector policy is being implemented throughout the country. A new educational policy has recently been developed and is in the process of being introduced. However, its implementation, which cost a total of 14 billion CFA francs for the period 1991-2000, has been only partially completed due to difficulties of a political and administrative, as well as economic and financial, nature.

C. Information and advocacy

1. Measures taken to make the provisions of the Convention widely known

8. With regard to the dissemination of the Convention pursuant to article 42, extensive awareness-raising campaigns on children's rights are conducted regularly in Niger. They take the form of symposia and seminars on children's rights, radio and television programmes designed and carried out for children and with their help, sketches on human rights performed in the schools by certain NGOs and the commemoration of the Day of the African Child and International Children's Day, on which occasions information on children's rights is made widely available. To facilitate the dissemination of the Convention, a study is under way on the perception of children's rights at the grass-roots level.

9. The study should clarify the concepts of "discrimination", "equity", "equality" and "justice" and seek linguistically appropriate expressions to facilitate dissemination. The results of the study will be used by the communicators responsible for promoting the Convention.

2. Measures undertaken to make the initial report widely available to the public at large in Niger

10. Pursuant to article 44, paragraph 6 of the Convention, measures have been taken to make the report submitted pursuant to its relevant provisions widely available to the public in Niger. The first draft of the report was based on the results of a workshop attended by representatives of

all sectors of society: ministries, public utilities, NGOs and other religious associations, representatives of management and labour, etc. Next, a select committee was established and asked to prepare a final document on the basis of the draft. The document prepared by the committee was in turn made widely available to the ministries, public utilities, NGOs, associations and representatives of management and labour for comment.

11. The document was sent to the country's regions and subregions, where regional and subregional committees on the survival, protection and development of children were asked to gather the comments of the entities concerned and transmit them to the permanent secretariat of the National Committee for inclusion in the initial report. The document was also made widely available to development partners, such as embassies, international organizations (UNICEF, UNDP, WHO, World Bank, European Development Fund, etc.), NGOs and other associations and opinion leaders (traditional chiefs, imams). In the final stage, the parties approved the document by consensus and it was officially transmitted to the Government for adoption.

II. DEFINITION OF THE CHILD

12. The word "child" is normally accepted as referring to the period of human life from birth through puberty. The duration of this period, however, varies from one body of legislation to another.

Age of majority

13. Pursuant to Decree No. 62-221/MJ of 25 August on the implementation of articles 5, 36 and 51 of Act No. 62-11 of 16 March 1962 on the organization of the justice system, the administration of justice in Niger draws its authority from two legal sources: laws and custom.

14. The Civil Code sets the age of majority at 21 years. Article 338 of the Code defines a minor as being an individual of either sex who has not yet reached the age of twenty-one (21).

15. The Mandel Decree of 13 July 1939 sets the age of marriage at 14 for girls and 16 for boys.

16. Under the Constitution, the Electoral Code and articles 46 and 47 of the Criminal Code, majority is attained on reaching the age of 16. This is also the age set by the international treaties relating to children to which Niger has subscribed, namely the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

17. The second source of law is custom, pursuant to article 51 of the Act on the organization of the justice system, which states that, subject to the observance of legislative provisions or fundamental rules relating to public order or personal freedom, the courts shall apply customary rules in cases involving the capacity of the parties to enter into contracts and institute legal proceedings, personal status, family, marriage, divorce, filiation, succession, donations and wills.

18. Custom does not provide for an age of majority. The stage at which certain communities begin to marry their children is puberty. In such cases the age varies from 9 to 16 years for girls and from 14 to 18 years for boys.

19. In order to adapt the laws and regulations in force concerning majority to international instruments, the Commission on the Reform of Civil and Criminal Legislation was asked to harmonize the ages of civil, civic and criminal majority.

Sexual consent

20. Sexual consent is protected by both custom and law in that, on the one hand, rape is traditionally considered to be a shameful act rendering its perpetrator liable to exile and, on the other, rape is punishable under the Criminal Code of Niger, which defines it as a man having sexual relations with a woman against her will (art. 283). Punishment may entail a prison term of 15 to 30 years.

21. However, protection of sexual consent is somewhat limited under customary law by the problem of early marriage. Indeed, what is the value of consent to marriage when it is given by a girl of 10, 12 or even 9 years of age?

Consent to marriage

22. Article 144 of the Civil Code prohibits marriage before the age of 18 for boys and 15 for girls. However, it provides that consent from ascendants shall be necessary for marriages between minors.

23. It should be noted that the Civil Code is virtually never applied in Niger due to the existence of two other sources of law, one in the official sphere (Act No. 62-11 of 16 March 1962 on the organization of the justice system) and the other in the practical sphere (Muslim law).

24. Regarding official law, article 51 of the above-mentioned Act states that matters relating to marriage are governed by custom.

25. Most customs view marriage as a family or community affair, where the consent of those concerned is of only relative importance.

26. Muslim law makes the consent of the future spouses necessary. However, a father may propose a spouse of his choice in the interest of the children, especially daughters.

27. The application of custom to marriage often leads to early marriage without the consent of those concerned, leading in turn to serious social problems (prostitution, health problems, etc.). To improve this situation, the State and several associations and NGOs conduct extensive media campaigns to raise awareness of the risks involved in this practice.

End of compulsory education

28. Parents in Niger are under an obligation to send their children to school. The Act on the Education System in Niger, adopted in March 1998, makes school attendance compulsory for

children aged 4 to 16. Unfortunately, parents' prejudices towards the school system, their precarious financial and economic means and the lack of school infrastructure have seriously undermined this obligation.

29. Nevertheless, measures are being taken to ensure schooling for children in Niger. For example, when its anti-poverty programme was presented at the Round Table held in Geneva in March 1998, the State pledged to take the necessary action to raise primary enrolment and literacy rates in the rural areas, particularly among girls and women respectively. Among the objectives sought is a rise in school enrolment from 29 per cent in 1996 to 35 per cent in 1999, 55 per cent in 2010 and 70 per cent in 2015. To that end improvements in teacher training and school conditions for both teachers and pupils are planned.

Child labour

30. Child labour is governed by Ordinance No. 96-039 of 29 June 1996 instituting the Labour Code of the Republic of Niger. The Ordinance includes protective mechanisms for children. Its provisions strictly prohibit night work by children, employment of children under 14 years of age and employment of children to perform work that is recognized as beyond their strength. Niger has ratified the International Labour Organization (ILO) Minimum Age Convention (No. 138).

31. Article 135 of Decree No. 67-126/MFP/T of 7 September 1967 introducing the regulations governing the Labour Code prohibits the employment of children in work that is beyond their strength, likely to harm their development, dangerous, or, by its nature or the conditions under which it is performed, likely to undermine their morals.

Half-time employment

32. Article 127 of the Decree authorizes light work by children, outside school hours, provided it does not affect their school attendance or ability to benefit from the instruction they receive. During school hours, such work should not exceed two hours per day. Outside school hours, it should not exceed four hours per day.

33. The Decree authorizes light housework and agricultural work (gathering, collecting and sorting).

Dangerous labour

34. Article 138 of the Decree prohibits the employment of children in any work that might endanger their lives or health. Niger has pledged to ratify the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). In addition, the National Programme of Action and the sectoral plans have, on the basis of 600 surveys provided for measures to eliminate the most intolerable forms of child labour and to improve children's social and vocational situation.

Medical treatment

35. Children in Niger may obtain medical treatment freely without parental authorization. However, article 2, paragraph 2 of Ordinance No. 88-129 of 7 April 1998 authorizing contraception requires minors wishing to use modern contraceptive methods to seek due authorization from their parents or guardians.

Voluntarily giving testimony in court

36. Children in Niger may freely testify before a court; however, they may not swear an oath. Article 103 of the Code of Criminal Procedure provides that children below the age of 16 do not have to swear an oath in order to be heard.

Consumption of alcohol

37. The criminal legislation protects children against alcohol consumption. The Criminal Code lays down 10 days' to 2 months' imprisonment and/or a fine of 20,000 CFA francs for any publican who serves alcohol to or admits a manifestly drunken individual or serves spirits or alcoholic beverages to minors under 18 years of age.

Criminal liability

38. Article 45 of the Penal Code states that minors under 13 years of age do not have criminal liability. Minors from 13 to 18 who have committed an offence shall be acquitted if it can be proved that they acted without due discernment. If they acted with discernment, their penalty shall be reduced.

Enlistment into the army and national service

39. Military service in general is governed by Ordinance No. 96-033 of 19 June 1996 establishing the conditions for performing national service. The Ordinance establishes a national service aimed at providing civic and moral education to strengthen national unity and national defence and prepare young people for the labour world. National service is an obligation for all citizens of Niger, of both sexes, through the age of 25, with the exception of unfit or exempt persons. It may take the form of military service, national civil service or national participatory service.

40. The Military school provides an appropriate framework for introducing children to military life.

41. Decree No. 97-459/PRN/MDN of 26 December 1997 on the establishment and organization of a military school established the Prytanée militaire de Niamey (PMN) within the armed forces of Niger. Its objective is to provide the children with moral, intellectual, physical and military education in order to prepare them to enter specialized higher education institutions in the military or civilian sphere.

42. Admission to the Prytanée takes place through competitive examination and is open to young men holding a primary school leaving certificate. Prytanes follow a general course of education leading to the BEPC and baccalaureate degrees together with military training administered by the military instruction division.

43. The Decree does not provide for an age of admission into the Prytanée. However, the leaving age for the primary level varies from 11 to 13 years.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

1. Legislative, administrative or judicial measures

44. As stated in the preamble to its Constitution, Niger has ratified the Universal Declaration of Human Rights, the African Charter on Human Rights and the African Charter on the Rights and Welfare of the Child.

45. In addition, article 8 of the Constitution guarantees all citizens of Niger equality before the law, regardless of sex or social, racial, ethnic or religious origin.

2. Difficulties encountered

46. Despite these constitutional provisions, huge disparities exist, in particular in the area of education. Although the principle of equality is stated in the Constitution and all instruments relating to education, there are disparities in access to education and health care according to area and according to gender.

47. The school enrolment rate is higher in urban than rural areas, higher in sedentary than nomadic areas, and, finally, higher among boys (36.21 per cent) than girls (20.63 per cent); illiteracy is also higher among women (92 per cent) than men. The reason for this situation is that parents in rural areas are reluctant to send their children (particularly girls) to school, which they view as having a negative cultural influence. Unfortunate incidents of unwanted pregnancies among girls attending school have strengthened this prejudice. To counter this difficulty, the Act on the Education System in Niger, adopted in March 1998, aims at guaranteeing all children equal access to school.

48. School enrolment for children from 4 to 16 years of age is compulsory by law, regardless of sex, religion or social, racial or ethnic origin.

3. Progress, priorities and goals

49. Measures are being taken under the National Programme of Action to reduce these disparities, in cooperation with Niger's development partners.

50. Extensive awareness-raising campaigns are conducted, through the media, on the need to educate girls. In addition, the increasing responsibilities held by women in the administration (woman ministers, deputies, mayors, judges, public service directors, etc.) have had the effect of lessening the reluctance of certain parents to send their daughters to school.

51. Finally, the Office of the High Commissioner for the Restoration of Peace is working to promote school enrolment for nomad children.

B. Best interests of the child (art. 3)

52. In decisions taken at both family and State level as much consideration as possible is given to the best interests of the child.

53. The justice system constantly refers to the best interests of the child with regard to adoption, placement, custody and even pre-trial detention for children in conflict with the law. Despite these provisions, inquiries have to be conducted to determine whether the procedure is justified.

54. The State focuses considerable effort on making health care and education accessible to all children. The Act on the Education System is aimed at guaranteeing all children access to school and article 2 of Decree No. 96-224-PCSN/MSP of 29 June 1996 establishing implementing arrangements for Act No. 95-014 of 3 July 1995 concerning recovery of the cost of primary health care in the non-institutional sphere states that participation rates shall be set by local councils, which are required to take account of the real cost of the services provided, the people's ability to contribute and the need to provide steady improvement in care. This provision reflects the legislator's desire to provide access to primary health care for all.

55. In practice, however, decisions taken at the family level are occasionally at variance with the provisions of the Convention in this area. Examples are marriage of daughters and attribution of custody in cases of divorce or repudiation; some decisions taken in this area cause emotional harm to both mothers and children.

C. Right to life, survival and development (art. 6)

1. Legislative, administrative or judicial measures

56. Article 11 of the Constitution protects the right to life.

57. The right to life is also protected by the Civil Code.

58. The Criminal Code protects the right to life from conception (articles 295 and 296 lay down punishment for abortion) through birth (article 243 lays down punishment for the murder of a newborn). In addition to abortion and infanticide, the Code also lays down punishment for the abduction, concealment or neglect of a child as well as failure to hand it over to the person entitled to its custody (arts. 253 et seq.).

59. The State has taken measures aimed at protecting the right to life. The introduction of sex education into the school curriculum in order to raise young people's awareness of contraception, the risks of sexually transmitted diseases and abortion is also aimed at preserving the right to life, survival and development. Other measures are the Expanded Programme of Immunization (PEV), the goal of which is to vaccinate all children in Niger, and the National Programme of Action for the Survival, Protection and Development of Children, which aims to reduce malnutrition and infant mortality rates through appropriate health-care policy and medical treatment and by improving children's living conditions.

60. Society at large also works towards protection of children's right to life, survival and development. Several NGOs are working to curb the main obstacles and threats to children's lives: action to combat harmful traditional practices, sensitization to the need for contraception to avoid unwanted pregnancies, hence abortions and action to combat malnutrition and childhood diseases, including the promotion of exclusive breastfeeding.

2. Difficulties encountered

61. The breakdown of the family unit mentioned above, leading to such harmful consequences as juvenile delinquency and prostitution among increasingly younger girls who are often untrained in contraceptive methods, resulting in increasing numbers of unwanted pregnancies, is one of the difficulties encountered in this area.

62. For this reason illegal abortions, which are violations of the right to life, are occurring with increasing frequency. Lack of access to contraceptive methods, the growth of increasingly early sexual behaviour, the fact that abortion is punishable and the lack of information on the subject are also leading to numerous cases of infanticide.

63. For example, a third of the cases on the docket of the Assize Court in Tahoua in 1997 concerned infanticide. The same is true of the latest docket of the Assize Court in Niamey, where 11 cases out of 34 concerned infanticide.

D. Respect for the views of the child (art. 12)

Legislative, administrative or judicial measures

64. Article 12 of the Convention places particular emphasis on freedom of expression.

65. Both article 23 of the Convention and the regional instruments to which Niger has subscribed (African Charter on Human and Peoples' Rights, article 9, and the African Charter on the Rights and Welfare of the Child) grant everyone, regardless of age, freedom of expression.

66. Young people exercise freedom of expression through clubs (commonly called "Fadas"), and through school associations established under Ordinance No. 84-06 of 1 March 1984.

67. Public and private radio programmes and television programmes designed and run by young people themselves are other ways in which children's freedom of expression is guaranteed.

68. Traditional society, too, provides children with means of expression. In traditional society, although children of a certain age receive an upbringing that does not enable them to turn to adults directly, they are allowed to express themselves through people accessible to them, who in turn ensure that their opinion is respected. Children also have other means of expression such as the Wassankara, a traditional holiday in certain regions of Niger, consisting of comic sketches in which children imitate politicians and administrative and local authorities.

69. To ensure respect for the views of the child in conformity with the Convention, the State has made a considerable effort to enable children to express themselves freely every year on the Day of the African Child, 16 June. On that day, which is organized by the National Committee for the Survival, Protection and Development of Children and attended by the highest State authorities (President of the Republic, President of the National Assembly, Prime Minister), 10 children are chosen from among the most disadvantaged sectors of the population to address messages to the various sectors of society on the survival, protection and development of children.

70. In an entirely different sphere, the State involves school children in issues relating to their future. The educational path to be taken after the BEPC and Baccalaureate degrees is chosen by the parents in consultation with the children concerned.

71. NGOs and other associations also work to see that the views of the child are respected. The Niger Association of Artists, Intellectuals and Communicators for Children (ANAICE) is considering the establishment of a children's parliament in the very near future.

72. Unfortunately, efforts to protect freedom of expression in conformity with the provisions of the Convention affect children in urban areas much more than rural children, who are by far the most numerous.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

1. Legislative, administrative or judicial measures

73. The right of everyone to a name was granted by the French Civil Code of 1830, which was made applicable to Niger by the Decree of 6 August 1901 and by article 76 of the Constitution of 12 May 1996, which makes it an inalienable right.

74. Articles 23, 24, 25, 32 and 43 of Ordinance No. 85-05 of 29 March 1985 on the organization and functioning of the Civil Register state that the declaration of a birth is an obligation for parents and witnesses.

75. Article 251 of the Penal Code establishes penalties for failure to declare a birth to the competent authority within the legal time limits.

76. Concerns under article 7 of the Convention relating to nationality are met by the provisions of Ordinance No. 84-33 of 23 August 1984 on the Nationality Code of Niger. Pursuant to article 8, any person born in Niger of a direct ascendant in the first degree also born there has the nationality of Niger.

77. A child born in Niger of unknown parents has the nationality of Niger pursuant to article 10, paragraph 1. He may lose nationality only if, during his minority, his filiation has been established in respect of a foreigner and the nationality legislation of the country of that foreigner recognizes him as having the latter's nationality (art. 10, para. 2).

2. Difficulties encountered

78. The main difficulty lies in the fact the people are unfamiliar with the civil register legislation, despite some timid awareness-raising campaigns. In addition, the establishment of civil register acts is not a major concern for people living in rural areas, who make up the majority of the population of Niger.

79. These population sectors are still influenced by the past, when registering a child's birth was seen as a tax to be paid in the future or a pair of hands lost to agricultural work through school. Lack of financial resources prevents the State from sustaining awareness-raising campaigns on the need to declare family events (marriages, births, deaths, migrations).

80. The following are the figures for nationality certificates issued by the presiding magistrate of the Niamey court:

1995	11,074
1996	11,282
1997	10,317

Most applicants are students preparing examinations and persons preparing to migrate.

3. Progress achieved

81. To meet the shortage of principal registry centres, the State, with support from international organizations, including the World Bank and the United Nations Population Fund, has trained auxiliary workers to staff secondary centres established for that purpose. Several NGOs and associations have been formed to raise the people's awareness of the need to register events such as births, marriages and deaths.

B. Preservation of identity

Legislative, administrative or judicial measures

82. According to both law and custom, all children born in wedlock take their father's name. Changes of name are authorized by law (Civil Code). In such cases, the applicant sends the president of the court an application specifying the reasons for the name change.

83. The ordinance relating to civil status stipulates that children born out of wedlock and not recognized shall take their mother's name.

Statistics on ordinances relating to rectification of names

84. The following are the figures for ordinances relating to rectification of names issued by the presiding magistrate of the Niamey court:

1995	560
1996	799
1997	820
1998	611

C. Freedom of expression

1. Legislative, administrative or judicial measures

85. The Constitution guarantees everyone freedom of expression within the terms established by the laws and regulations in force.

86. Article 1 of Ordinance No. 93-099 of 30 March 1993 governing freedom of the press states that the press and printed matter are free. The right to information is an inalienable right of the citizen. However, articles 220 and 221 of the Penal Code establish penalties for false accusation and disclosure of secrets.

87. Article 12 of the Constitution gives children the freedom to express themselves and to be heard. A large number of youth associations have been established for this purpose.

2. Infrastructure in place

88. In formal terms, mention should be made of the Higher Communication Council, an independent administrative authority responsible, in particular, for guaranteeing freedom of expression and equal access to the media.

89. In practical terms, this is the most problematical right, especially in rural areas. This is due to an erroneous interpretation of this right, which some see as a prelude to abandonment of the principle according to which children must be silent when adults speak.

D. Access to information (art. 17)

1. Legislative, administrative or judicial measures

90. In traditional society, children gain access to information through the family and through children in their age group. Traditional mechanisms exist to provide children with access to sound and appropriate information for their age.

91. In modern society, the media and the schools are additional sources of information for children.

92. The ordinance governing the press in Niger states: "Children's publications shall be prohibited if they contain illustrations, stories, columns, etc., showing any of the following in a favourable light: banditry, theft, laziness, cowardliness, hatred, debauchery, incivility, etc." In addition, a film monitoring commission views all films to be shown and may decide to ban minors from attending a film.

2. Infrastructure in place

93. Regarding infrastructure, a dozen cultural and reading centres ("clacs") have been established throughout the country to provide children with further information.

3. Difficulties encountered

94. Information sources in the rural area remain essentially traditional sources (family, children the same age), which is not sufficient, at the beginning of the twenty-first century, to provide children with sufficient information to enable them to develop normally.

95. In urban areas, difficulties relate to the quality of information. The development of the media has made it difficult for the State and parents to control access to healthy information. In Niamey in particular, individuals show films that are unhealthy and inappropriate for children's development.

4. Priorities and goals

96. To ensure that healthy information for the entire population and children in particular is broadcast, the Higher Communication Council (CSC) has been given the technology required for monitoring radio and television programmes on a national scale.

E. Freedom of thought, conscience and religion (art. 14)

1. Legislative, administrative or judicial measures

97. Article 23 of the Constitution grants all citizens freedom of thought, conscience and religion. This right must be exercised with respect for public order, national unity and social peace.

98. Traditionally, parents are responsible for their children's philosophical, religious and political education.

99. The State guarantees freedom of worship and belief, as reflected by the places of worship belonging to various religions found in the large cities.

2. Difficulties encountered

100. For Muslim children, who make up 98 per cent of children in Niger, religious education is imparted through Koranic schools, which are non-formal structures. Such structures are therefore beyond the control of the State, which is responsible for guaranteeing religious freedom based on respect for the religious freedom of others.

101. In urban areas, parents find it difficult to provide their children with a religious education due to lack of formal structures.

3. Priorities and goals

102. The Government of Niger has just adopted an educational policy and an Act on the Education System, according to which the State plans to integrate the Koranic schools into the formal education system.

103. NGOs and other associations also undertake to provide children with religious education, bearing in mind the importance of social peace and the national interest.

F. Freedom of association and of peaceful assembly (art. 15)

1. Legislative, administrative or judicial measures

104. Article 24 of the Constitution provides that the State shall recognize and guarantee freedom of movement, association and assembly and freedom to demonstrate, under the conditions defined by law.

105. Article 12 of Ordinance No. 84-06 of 1 March 1984 governing associations authorizes the establishment of youth associations aimed at bringing members together for the purpose of education, development or social advancement.

106. Some associations bring together members of the same age group and are aimed at community, athletic or artistic activities.

107. In formal terms, school associations are established in the different primary and secondary schools. Their objective is the defence of the material and moral interests of their members.

108. Informally speaking, several youth associations called "fadas", which are forums for development and exchange, have arisen in urban areas. Youth clubs have also been established in various fields (sports, cultural, etc.).

2. Difficulties encountered

109. Difficulties encountered relate essentially to supervision of such informal associations. Although there is no doubt of their value, excesses and tendencies towards delinquency have at times occurred. They also raise the problem of the civil liability of the parents, and occasionally of the State.

G. Protection of privacy (art. 16)

Legislative, administrative or judicial measures

110. Article 20 of the Constitution provides for the inviolability of the home. Searches of the home may be effected only in the forms and under the conditions laid down by law. There are, however, limits to protection under the law. Searches and confiscations must take place with strict observance of the conditions and procedures laid down by law. As regards children specifically, measures may be taken in violation of privacy if they are in the best interests of the child.

111. It is traditionally agreed that parents have the right to monitor certain aspects of their children's privacy.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

1. Legislative, administrative or judicial measures

112. The principle according to which children must be protected against ill-treatment and attacks on their freedom and physical and moral integrity is embodied in the Constitution, which recognizes that everyone has the right to life, health, safety, physical integrity and education.

113. Offences against children are also punishable under the Penal Code.

114. The State provides for administrative placement measures in serious cases of torture or ill-treatment.

2. Difficulties encountered

115. The difficulties encountered are discussed in paragraphs 163 and 164 under section J, "Family environment and alternative care". They relate to the fact that the competent authorities have difficulty in learning about such cases when they occur within the family environment.

3. Priorities and goals

116. The Constitution prohibits all forms of torture and cruel, degrading or inhuman treatment or punishment.

117. The legislator in Niger has also protected children's moral integrity; article 278 of the Penal Code lays down punishment for indecent assault without violence against a minor under 13 years of age. If the offence involves violence, it becomes a crime (arts. 278 and 280).

118. Information and awareness-raising campaigns aimed at ending all practices harmful to children's health and physical integrity are conducted through government agencies, NGOs and other associations.

119. A national committee to combat traditional practices harmful to health (CONIPRAT) has been established and enjoys the authorities' support.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

1. Legislative, administrative or judicial measures

120. The Constitution provides in article 19 that "parents have the right and the duty to raise their children; they shall be supported in that duty by the State and by public entities".

121. Traditionally child guidance is highly organized, taking the form of rites of initiation by age group, whose basic aim is to prepare the child for adult life.

2. Best interests of the child and respect for the views of the child

122. In order that children in school may progress to the secondary and higher levels, the State has taken steps to involve parents and their children in school counselling.

123. Thus, at each stage, parents choose what branch children should follow as they pursue their studies, taking their wishes into account, while also giving them the necessary advice.

124. Insofar as possible the national guidance commission takes parents' views into consideration when guiding the child. Children who are not in school are usually supervised by parents or older brothers and sisters in learning a trade (farm worker, stockbreeder, blacksmith, weaver, builder etc.).

B. Parental responsibilities (art. 18, paras. 1-2)

1. Legislative, administrative or judicial measures

125. The principle of joint responsibility makes it incumbent on the parents to raise their children and ensure their development and on the State to assist them in discharging this duty. The Constitution stipulates in article 19 that the State must give its support to parents in the discharge of their duty.

2. Difficulties encountered

126. The State is confronted with many socio-political and economic constraints, the consequence of which is considerably to reduce the living standard of its people and to increase the numbers of the poor. As a result there is only very limited application of the relevant provisions of article 18 of the Convention on the Rights of the Child and article 19 of the Constitution.

127. Parental responsibility is in jeopardy as a result of the above-mentioned constraints, since parents tend to bow to the inevitable and delegate that responsibility to the State; the latter does assume it to a certain degree vis-à-vis parents in the area of education, since it provides State schools and ensures free tuition.

3. Best interests of the child and respect for the views of the child

128. As children are traditionally considered as a "gift of God" and as belonging to the entire community, the parents and the family as a whole rally round for their education. The State for its part is aware that education is the foundation of children's development.

C. Separation from parents (art. 9)

1. Legislative, administrative or judicial measures

129. Tradition tolerates separation from parents either to perpetuate bonds of kinship or friendship or to meet the demands of education or apprenticeship.

130. Separation may be the result of judicial measures, whereby a child is remanded in custody, incarcerated, placed in care or given in custody in a case of divorce.

2. Best interests of the child and respect for the views of the child

131. The Civil Code provides that "when the family unit is broken up as a result of the parents' divorce, the judge shall rule on custody of the couple's children, bearing in mind the best interests of the child".

132. The principle of the best interests of the child is in keeping with the spirit of the Decree of 1928 on minors.

133. When a child is placed in care, the Department of Child Protection in the Ministry of Social Development, Population, Advancement of Women and Protection of Children ensures that he or she is well settled in the place of reception.

134. Custom, applicable in divorce cases by virtue of the provisions of Act No. 62-11 of 16 March 1962, holds that children are entrusted to their mothers before they are seven years old; after age seven the child belongs to the father as of right.

135. This principle has been evolving and case law in Niger since the Supreme Court ruling of 17 March 1983 has made increasing reference to the best interests of the child.

3. Difficulties encountered

136. Difficulties arise in relation to children whose family origin is unknown (abandoned children, orphans, children of mentally ill mothers). These children, whose numbers are unfortunately increasing in urban areas, cannot benefit from the relevant provisions of article 8 of the Convention on the Rights of the Child.

4. Progress achieved

137. The Ministry of Social Development, Population, Advancement of Women and Protection of Children has instituted a policy of encouraging the foster placement or adoption of these children to lessen the difficulties referred to above.

138. Children are placed either in a shelter, an adoptive family, an orphanage or a children's home.

Statistics of abandoned children admitted to the Children's Home from 1995 to 1998

Year	Number admitted	Number adopted		Number returned to family of origin	Number in placement
		national	international		
1995	19	0	4	4	3
1996	15		7	7	0
1997	14	2	2	2	0
1998	13	0	0	4	1

Source: Report of the Department of Child Protection of the Ministry of Social Development, Population, Advancement of Women and Protection of Children.

Adoption of abandoned children from 1995 to 1998

Year	Number of children adopted	National adoption	International adoption
1995	1	0	1
1996	7	0	7
1997	7	1	6
1998	1	1	0

D. Family reunification (art. 10)

139. In Niger legal and administrative provisions exist to prevent the separation of children from their families by:

- Combating rural exodus;
- Combating poverty. Both these efforts constitute factors for family reunification;
- Attempting reconciliation in the case of proceedings for divorce or repudiation. This is compulsory; when it succeeds the family can return to normal.

140. Customary adoption or adoption in the Islamic tradition is reversible: once it is established that the child is not enjoying the expected benefits, he may return to his family of origin without any formalities, simply at the request of the parents.

E. Recovery of maintenance for the child (art. 27)

1. Legislative, administrative or judicial measures

141. The Civil Code provides for the allocation of a maintenance allowance to the parent who has custody of the children. Where custom holds sway there is no maintenance allowance: at seven years of age children are entrusted to their father who is responsible for them.

2. Difficulties encountered

142. Problems arise with recovery of the maintenance allowance in urban areas. Generally, in such instances, a parent who has a regular income (civil servant, company employee, member of liberal profession etc.) has been ordered by the courts to pay a maintenance allowance.

143. Most frequently mothers who have custody of their children have difficulty in recovering the maintenance allowance.

3. Progress achieved

144. Increasingly, these women turn to the different social services attached to the courts, which help them to obtain an order from the presiding magistrate for direct debit from the salary of the person owing the allowance.

F. Children deprived of a family environment (art. 20)

145. These are, in particular, abandoned children, orphans and children of mentally-ill mothers. Since the 1990s the State's social policy has been to encourage the establishment of institutions to take in children in family difficulties: SOS villages, orphanages and the Children's Home. As far as government institutions are concerned, in 1993 the Ministry of Social Development, Population, Advancement of Women and Protection of Children set up the Department of Child Protection.

Number of children admitted to the different facilities

Facility	Year				Total number of children
	1994	1995	1996	1997	
Children's Home	13	19	15	14	61
Orphanage	90	90	127	143	450
SOS Village for abandoned children	19 F 6 M 13	15 F 3 M 12	15 F 5 M 10	10 F 2 M 8	59 F 16 M 43

1. Difficulties encountered

146. The growing phenomenon of poverty has produced an increase in the number of abandoned children, especially in urban areas. The difficulties encountered are of several kinds, notably:

- Lack of facilities;
- Absence of decentralized facilities. In fact they only exist in Niamey, whereas the problem also exists in the hinterland;
- Shortage of human resources for staffing.

2. Progress achieved

147. The Department of Child Protection has instituted a policy of seeking either the families of origin or foster families for these children.

148. Thus, in cooperation with the different services within other ministerial departments, investigations are undertaken to find families of origin or foster families.

3. Priorities and goals

149. The aim is:

- To reduce the incidence of child abandonment and ensure the survival, protection and development of those who are abandoned;
- To guarantee sound development and protection for orphans without support;
- To ensure protection for children whose mothers are mentally ill;
- To encourage the decentralization of facilities for children.

G. Adoption (art. 21)

1. Legislative, administrative or judicial measures

150. Legal adoption is governed by articles 343 to 370 of the Civil Code. Customary adoption takes place by means of an agreement between the parents or guardians of the child and those adopting him. Within the Ministry of Social Development, an adoption section attached to the Department of Child Protection ensures follow-up.

2. Difficulties encountered

151. In legal adoptions, where couples of Niger nationality are concerned, difficulties occur basically before the adoption, at the time the file is being assembled. Difficulties may also arise during the home study done on the couple planning to adopt. Finally, there may be difficulties with follow-up due to lack of material and human resources.

152. In the case of international adoptions, pre-adoption difficulties relate to the fact that it is virtually impossible to check the authenticity of the evidence provided, particularly from the home study. Subsequent to the adoption the problematic aspect is follow-up, particularly the need to ensure that the child's placement does not become a source of material or financial profit for those responsible for the adoption.

153. The difficulty with customary adoptions is that they are entirely beyond the control of the official bodies.

3. Progress achieved

154. Where national adoption is concerned, an awareness-raising programme has been designed to inform public opinion via the different radio stations; panel discussions and open days have also been organized. Positive results have been noted, with more and more couples of Niger nationality becoming candidates for national adoptions. There have also been cases of return to the families of origin.

155. In regard to international adoptions, the post-adoption follow-up mechanism has been strengthened. The Ministry of Social Development, Population, Advancement of Women and Protection of Children has just concluded a protocol of agreement with the Association for the Protection of Children in Distress (PAIDIA). The task of that organization is to coordinate the adoption of children from Niger by French couples. Its work is supervised by French authorities through the Inter-Country Adoption Mission.

H. Periodic review of placement (art. 25)

156. The various instruments provide for periodic review of all aspects of placement, whether administrative or judicial. However, in practice there is hardly any follow-up, because of the shortage of human and material resources.

157. The draft law on juveniles has provisions relating to periodic review of placement. Thus, placement may not exceed two years in length, at the end of which a report is submitted. That report is considered by the juvenile magistrate and the other parties in order to plan further action.

Priorities and goals

158. In the area of legislation the aim is:

- To ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993;

- To have the Commission on the Reform of Civil and Criminal Legislation revise the instruments governing adoption.

159. Where institutions are concerned, it is planned to reinforce mechanisms for pre- and post-placement follow-up.

I. Illicit transfer and non-return (art. 12)

160. The Criminal Code provides penalties for the abduction of children. It should be noted, however, that Niger has had no cases of international abduction of children.

J. Abuse and neglect, psychological recovery and social reintegration (art. 19)

1. Legislative, administrative or judicial measures

161. Article 12 of the Constitution provides that no one shall be subjected to cruel, inhuman or degrading treatment.

162. The Criminal Code contains various provisions protecting children from all forms of violence (physical, moral or sexual), from all forms of abandonment or neglect and from cruel or degrading treatment.

2. Difficulties encountered

163. The difficulties encountered are sociocultural in nature. When children are abused or mistreated by their parents, the neighbours hesitate to denounce those responsible to the competent authorities. Equally to be deplored is the inadequacy of the human resources devoted to the detection of cases of abuse or neglect.

164. The difficulties with regard to social reintegration stem from a lack of children's homes and of counselling and support facilities.

3. Progress achieved

165. Mention should be made of the emergence of NGOs working to take care of children in difficulty generally. Such NGOs work closely with the Ministry of Social Development, Population, Advancement of Women and Protection of Children.

166. One NGO, the project Caritas-AMIN (Action for juveniles alone in Niger) has set up two counselling centres in Niamey. Efforts are under way to inform people about these centres and a slight increase in the number of children coming to them has been observed.

4. Priorities and goals

167. In regard to legislation, the aim is to strengthen the legal framework for the protection of children.

168. In the institutional sphere, the machinery for the prevention and detection of cases of mistreatment of children has to be reinforced, as do the care facilities, if the suffering of such children is to be alleviated.

VI. HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

1. Legislative, administrative or judicial measures

169. The African Charter provides in article 5 that "Every child has an inherent right to life. This right shall be protected by law. States parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child. The death sentence shall not be pronounced for crimes committed by children."

170. Articles 10 and 11 of the Constitution of 12 May 1996 provide that every human being is sacred and that every person has the right to life.

171. The Criminal Code of Niger protects life and therefore penalizes all attempts to destroy life, including that of a foetus:

- Abortion (arts. 295-297);
- Infanticide (arts. 240-243);
- Abandonment leading to the death of the child (art. 253).

2. Difficulties encountered

172. Despite the panoply of legal instruments both international (Convention on the Rights of the Child, African Charter) and national (Constitution, laws and regulations), the fact is that in practice the survival and development of children in Niger are in peril at every stage of life: the prenatal period, infancy (0-5 years), childhood (5-12 years) and adolescence (12-18 years).

(a) Prenatal period

173. The factors endangering the survival of children at this period of their lives are basically abortions, anaemia or malnutrition in the mother, high maternal mortality, mother-to-child transmission of HIV/AIDS, infections and parasites.

174. Regarding maternal mortality, according to the survey on demography and health in Niger carried out in 1992, 7 women per 1,000 die during pregnancy, in childbirth or during the first six weeks after the birth. According to the new WHO/UNICEF method of calculation, the maternal mortality rate in 1998 was 1,200 deaths per 100,000 live births.

175. In relation to the vertical transmission of HIV/AIDS, the national programme to combat STD/AIDS shows that the cases reported concern children from 0 to 14 years in the following percentages:

- 1994 0.86 per cent
- 1995 1.6 per cent
- l996 1.08 per cent

There is thus a slight increase in cases between 1994 and 1996.

(b) Infancy (0-5 years)

176. The danger at this stage in life comes from infanticide or abandonment, high infant and child mortality, the marked prevalence of malnutrition and micro-nutrient deficiencies and poor support services for infants.

177. With regard to infanticide, a survey of prisons carried out in January 1998 in Niamey by the Niger scouts showed that the reasons for the incarceration of women in the Niamey civil prison were infanticide or abortion in 37.14 per cent of cases.

Reasons for the incarceration of women

Reason	Number	Percentage
Theft	8	22.85
Infanticide/abortion	13	37.14
Drugs	1	2.85
Brawling	6	17.121
Other	7	20
Total	35	100

178. Out of 34 cases recorded at the Tahoua assizes in 1997, 12 cases, i.e., one third of the list, concerned the crime of infanticide. The same is true in Niamey, where 11 out of 34 cases concern infanticide.

179. The infant and child mortality rate remained persistently high from 1960 to 1996, with a return in 1996 to the 1960 level (300 per 1,000). However, according to the demographic and health survey (EDSN) II (1997-1998), there was a slight decline in the rate, to its present level of 274 per 1,000. The main causes of infant and child mortality are:

- Malaria, 25 per cent;
- Acute respiratory infections, 28 per cent;
- Diarrhoea, 14 per cent;
- Measles, for children under 5 years;
- Poor health coverage in the country.

180. According to EDSN (1992), 32.30 per cent of children under the age of 5 suffer from chronic under nutrition, 15 per cent of them seriously. The proportion of undernourished children varies according to age. It is rare in those under 6 months (2.3 per cent), increases gradually with age to a rate of 46.3 per cent between 36 and 47 months and then decreases between 48 and 59 months.

(c) Childhood (5-12 years)

181. The factors endangering the survival and development of children at this stage of life are:

- The prevalence of diseases;
- Practices harmful to health, particularly that of girls;
- Low school enrolment.

182. The high frequency of nutritional diseases is due above all to vitamin A deficiency and iron and iodine deficiencies. Thus, EDSN (1992) showed a 6.2 per cent prevalence of night blindness in 2,546 children aged from 24 to 56 months. A vitamin A deficiency is responsible for a very high number of cases of blindness in Niger. This deficiency has an effect on child survival because it makes children vulnerable to certain diseases, especially pulmonary infections. Iron deficiency is also very frequent among malnourished children and affects their survival by making them more vulnerable to infection. Iodine deficiency leads to problems such as goitre. In 1995 a survey of schools revealed a 35.8 per cent over-all prevalence of goitre.

183. The practices that are harmful to health are basically ablation of the uvula, scarification and tattooing and excision. All these practices endanger child survival because they can have serious consequences (haemorrhage, tetanus, blood-poisoning, dehydration etc.).

(d) Adolescence (12-18 years)

184. At this stage in life survival and development are imperilled by harmful traditional practices, by the high rates of STD/AIDS and, for girls, by early marriage and early pregnancy.

185. The EDSN (1992) indicates that the average age of marriage for girls is 15 years and that there are cases of girls marrying between 12 and 15 years.

186. Early pregnancy, which is mainly the result of early marriage, is also a factor that endangers the survival of children. The risk of death in the case of "child-mothers" follows on pregnancy- or birth-related complications or permanent sequelae such as fistulas. According to WHO, women aged 15 to 19 years run twice as great a risk of death from complications linked to pregnancy or childbirth than do women of 20 years and over. According to EDSN (1992), 36 per cent of adolescent girls in Niger had at least one child or were pregnant for the first time. From a survey of obstetrical fistulas in Niger (1995) it emerged that 80 per cent of patients with fistulas had given birth between the ages of 14 and 17 years and 98 per cent had married before the age of 18.

187. Ignorance among many young people of the harm that may be caused by STD/AIDS is also a factor endangering their survival. For example, a survey carried out in the commune of Agadez revealed that the 0 to 29 age group is the one most affected by STD/AIDS (source: UNICEF Situation Analysis 1998: Women and children).

188. The Government of Niger, with the support of its development partners, reaffirms, whenever there is need, its commitment to work for the survival, protection and development of children by endeavouring to reduce and even to eliminate the above-mentioned factors.

3. Progress achieved

189. In the area of cooperation, the assistance of Niger's development partners, notably UNICEF, WHO, UNFPA and the World Bank, should be emphasized.

190. Bilateral aid is received from the French, German and Belgian development cooperation agencies which work tirelessly in the health sector to implement integrated projects throughout the country; NGOs and other associations also give their support.

191. For example, UNICEF, together with the Government, has prepared a programme of cooperation for the period 1995-1999. The two parties have affirmed their commitment to the implementation of the national programme for the survival, protection and development of children in accordance with the spirit of the Convention on the Rights of the Child. The programme of cooperation comprises:

- A health programme;

- A nutrition/food security/environment programme;

- A water/water purification/environment programme;

- An education/environment programme;

- A programme of social policy, strengthening of community initiatives, information, communication and social mobilization.

192. As part of the execution of this programme of cooperation legislative measures were taken in 1995 for the recovery of primary health-care costs, the adoption of a national pharmaceutical policy and the establishment of a national programme in support of primary health care.

193. Also to be noted is the launching of three projects within the health programme:

- Revitalizing the health services;

- Combating STD/AIDS;

- Strengthening national capacities.

194. In 1996, in connection with the revitalization of the health services, a workshop was held which produced a recommendation for the general extension of the Bamako initiative as a systemic approach allowing access to primary health care.

195. With regard to the Expanded Programme of Immunization, vaccinations have continued, with the organization of vaccination days in April, May and June, to raise the vaccine coverage rates. The results are as follows:

- BCG 53.5 per cent

- DTE 3 24 per cent

- Polio 3 22.3 per cent

- Measles 40.6 per cent

- VAT 2+ 32.2 per cent

196. For risk-free maternity and family planning, the Government wishes particularly to get maternity referral district hospitals operating, as an approach to reducing the rate of maternal and infant mortality.

197. An increase in the utilization rate of oral rehydration therapy (ORT) has been observed (85.3 per cent according to the old definition and 8 per cent according to the new [sugared salt water + breastfeeding + solid food]).

198. Under the nutrition/food security programme in 1996 the following may be noted:

- Promotion of exclusive breastfeeding;

- Consolidation of achievements in monitoring growth rates (342 villages have been involved);

- Continuation of the integrated prevention of micro-nutrient deficiencies; thus: in the area covered by the programme 75 per cent of the target population (infants from 6 to 10 months and women post-partum) have been given vitamin A capsules; 83,000 children under 10 and 11,500 pregnant women in one district covered by the programme have received iron and folic acid tablets.

199. With regard to iodized salt, 120 agents have been trained to monitor and correct the amount of iodine in the salt destined for household consumption.

200. On the subject of water supply, it may be noted that in 1996 55 per cent of rural areas and 46 per cent of urban had water, thanks to the creation of 200 well-water supply systems and boreholes equipped with manual pumps.

201. There has also been a fall in the prevalence of cases of guinea worm and other water-borne diseases. For example, from 1991 to 1996 there was a 93 per cent decline in cases of guinea worm.

202. Where the revitalization of health centres is concerned, in 1997 the following was achieved:

- Expansion of the revitalization of health centres and hospitals in selected districts;

- 148 health centres revitalized, that is 42 per cent of those in existence;

- The revitalization of 78 centres out of a planned 131 for the period 1995-1999, that is 60 per cent of the goal;

- An improved rate of recovery of costs (from 15 to 60 per cent for example in the department of Maradi).

203. In the Expanded Programme of Immunization the following was achieved:

- In 1997 poliomyelitis vaccination days were instituted. In the first stage of the campaign 1,832,637 children from 0 to 5 years out of the target 2,092,655, that is 87.53 per cent, received their polio vaccine booster shots;

- As a result of the 1998 national days, the campaign's two stages produced a total of 4,727,075 children from 0 to 59 months vaccinated.

204. On risk-free maternity and family planning there has been cooperation with UNICEF, WHO, UNFPA, France, Germany and the Netherlands in speeding up the creation of maternity referral units and improving the way cases are assumed, prenatal consultations held and high-risk pregnancies detected in health centres. Thirteen maternity units are equipped for emergency obstetrical care.

205. The utilization rate for ORT has improved by 85 per cent according to the old definition and by 9 per cent according to the new.

206. For the prevention of STD/AIDS, 14 school committees have been formed and a survey has shown that those committees are pupils' main source of information on STD/AIDS.

207. Regarding nutrition and food security, we note that:

- In 1997, in the fight against micro-nutrient deficiencies, vitamin A was distributed to 75 per cent of children under 10 and 36 per cent of women post-partum;
- On the occasion of the 1998 polio vaccination days 2,771,072 children from 6 to 59 months received vitamin A capsules;
- 60 per cent of pregnant women received iron and folic acid in 16 districts where it was distributed;
- Niger's eight departments are now equipped with laboratories to monitor the quantity of iodine in salt;
- Monitoring of growth rates covers 94,000 children under 3 years in 402 villages in 11 districts;
- 60 per cent of those children are being regularly monitored, which has permitted the detection of 26 per cent of under-weight children.

208. In the water and water purification programme, the following has been achieved:

- In 1997 47,000 persons had access to drinking water;
- 18 boreholes were dug;
- 16 boreholes were equipped with hand-operated pumps;
- Management committees were formed and repair workers trained;
- It was estimated that there had been a 12.5 per cent reduction in cases of diarrhoea;
- For guinea worm eradication 844 villages are being monitored and community agents are being trained or retrained.

B. Disabled children (art. 23)

1. Legislative, administrative or judicial measures

209. Order No.93-01-012 of 2 March 1993, article 3, provides that "the prevention and detection of disabilities and the care, education, training, guidance and occupational reintegration, employment and social integration of persons with physical, sensory or mental disabilities is a national obligation". Where children are concerned article 6 and 7 provide that:

- Children in whom a disability has been detected, in particular during an examination in a maternal and child health-care centre or a school medical centre, shall be provided with care at an early stage by the medical and social institutions created for that purpose;

- Disabled children and adolescents have the right to an education, which must be an integral part of the national school system.

210. Decree No. 96-264/PRN/MDS/P/PF/PE of 15 August 1996 sets forth the implementing arrangements for the above-mentioned order.

211. A national technical committee and departmental committees have been set up for the advancement of disabled persons.

2. Infrastructure

212. The State of Niger has set up centres for the training and education of young disabled persons, particularly in Niamey, Zinder and Maradi. Special measures are being taken to facilitate their access to education.

213. NGOs and associations have been behind the establishment of several institutions for special education and social reintegration. In doing so they have the support of the State, which provides them with various subsidies.

3. Factors and difficulties impeding the implementation of the Convention

214. Public opinion regards disabilities as the work of fate or of evil spirits. To date no survey has been carried out to determine what disabilities affect children nationwide. Despite the efforts made by the State of Niger and NGOs and other associations, the needs expressed or felt in regard to the situation of disabled children are far from being met. Most disabled children live from begging and make their disability their livelihood.

4. Progress achieved

215. Decree No. 96-264 of 15 August 1996 sets forth the implementing arrangements for Ordinance No. 93-012 of 2 March 1993, defining the minimum rules for the social protection

of disabled persons. The Decree provides that the preservation of children between the ages of 0 and 6 years from disablement should be governed by the provisions of article 24 of the Convention, particularly those that render the following obligatory:

- Prenatal and postnatal consultations;
- Delivery in a medical environment;
- Medical monitoring of preschool children in fairground or marketplace consultations;
- Vaccinations against disabling diseases;
- A broad information campaign to alert people to the pathologies that may cause disabilities.

5. Priorities and goals

216. National solidarity with disabled people, especially children, will be reflected in the issuance of a special card allowing them:

- Free or half-price travel on intercity transport;
- Half-price admission to all public events for which a price is charged, particularly entertainment and educational or cultural events;
- Half-price reductions on basic medicines.

217. Consideration is being given to the preparation of a plan of action for disabled persons.

C. Health and health services (art. 24)

1. Legislative, administrative or judicial measures

218. The African Charter, ratified by Niger, provides in article 14 that all children have the right to enjoy the best possible physical, mental and spiritual health. The States signatories to the Charter undertake to guarantee the full exercise of that right.

219. According to article 11 of the Constitution of 12 May 1996 everyone has the right to life and health. In article 18 the Constitution affirms the duty of the State and public entities to ensure the well-being of mothers and infants. Under the terms of article 27 everyone has the right to a healthy environment. The State shall be charged with protecting the environment.

220. The Ministry of Public Health has the task of ensuring the implementation of those rights, as set forth in the Convention on the Rights of the Child and reaffirmed in the African Charter on the Rights and Welfare of the Child and in the Constitution.

2. Infrastructure in place

221. In July 1995 Niger adopted a sectoral health policy statement which stressed the right to health and to access to health services. That statement revealed the poor level of health coverage was 32 per cent. This was reflected in the fact that the numbers of medical staff were far below the World Health Organization norm. While WHO suggests 1 doctor per 1,000 inhabitants, the ratio in Niger is:

- 1 doctor per 75,000 inhabitants;
- 1 nurse per 40,000 inhabitants;
- 1 midwife per 1,857 expected births, which may rise to 1 midwife for 15,000 expected births in some districts.

222. The facilities established for the provision of health care are broken down as follows in the National Health Development Plan 1994-2000:

- 220 rural dispensaries and 31 medical posts in peri-urban areas;
- 39 medical centres in the district capitals;
- 31 independent neighbourhood maternal and child health centres;
- 24 neighbourhood dispensaries;
- 14 neighbourhood maternity clinics;
- 4 maternity referral clinics;
- 3 specialized centres: the anti-tuberculosis centre, the anti-leprosy centre and the reproductive health centre in Niamey;
- 5 departmental hospital centres in the departmental capitals;
- 2 national hospitals in Niamey;
- The total of all public health facilities being 380.

223. The private sector comprises:

- 3 hospitals;
- 10 doctors' offices;
- 2 psychiatrists' offices;

- 3 obstetricians' offices;
- 3 physiotherapists' offices;
- 48 treatment rooms;
- 5 clinics;
- 7 National Social Security Fund social medicine centres;
- 1 office for public health research.

224. Medicines are distributed by the following facilities:

- 24 public pharmacies;
- 19 private pharmacies, 1 of which is in Maradi;
- 215 medical supply depots, 86 of which belong to cooperatives.

In view of the above-mentioned facilities, Niger has on average:

- 1 local health-care unit per 6,598 inhabitants;
- 1 maternity clinic per 24,505 women of childbearing age;
- 1 mother and child health-care centre per 34,732 women of childbearing age and 26,940 children under 5 years;
- 1 dispensary per 224,868 inhabitants.

3. Factors and difficulties impeding the implementation of the Convention

225. Despite the efforts exerted from independence until today, the health system still does not meet the needs of the population.

226. Life expectancy at birth has remained stagnant for nearly 10 years: from 45 years in 1988 it declined to 44.3 years in 1992, rising slightly to 44.9 in 1995; in 1997 it was 47 years.

227. The infant mortality rate was approximately 127 per 1,000 in the period 1990-1993. The rate of infant and child mortality has worsened, rising from 232 per thousand in 1977 to 320 per thousand in 1990, one of the highest rates in the sub-Saharan region. The maternal mortality rate was 7 per 1,000 in 1995. Only 4.5 per cent of women of childbearing age were using modern contraceptive methods in 1994.

228. The rate of vaccine coverage is very low. Only 17.4 per cent of children under one year of age have received all the vaccines in the Expanded Programme of Immunization and only 44 per cent of pregnant women have received the anti-tetanus vaccine.

229. The difficulties involved in implementing the health policy derive from several sociocultural, economic and institutional factors.

(a) Sociocultural factors

230. The low level of education of the population, notably of mothers, has an adverse effect on health. Various surveys indicate that 53.2 per cent of educated women have had their children vaccinated, more than double the proportion among illiterates, which is only 20 per cent. According to the surveys 95.9 per cent of women with secondary education have received the assistance of health professionals during childbirth, as opposed to 41.1 per cent of uneducated women. The figures concern 41.4 per cent of births. The surveys also indicate that children of mothers with at least a secondary education are better immunized against the diseases of the EPI than those whose mothers have only a primary education (33.3 per cent) and especially than those of mothers with no education (15.1 per cent).

231. Food taboos lead to children being deprived of certain indispensable nutrients, such as eggs, meat and raw vegetables, to the premature introduction of certain liquid or other foods and to a complete ban on the consumption of some of the most protein-rich foods and other indispensable nutrients during pregnancy or lactation.

232. Another factor with negative consequences is the refusal to attend formal health clinics, either because traditional practices are preferred or because the mother cannot get to the clinic.

(b) Economic factors

233. The State's financial difficulties and the low household incomes in the context of the international economic slump have led to a growth in poverty, which affects all society and more especially its most vulnerable sectors, among them children.

234. In the area of health the State's financial difficulties are reflected in a dearth of manpower, on the one hand, (since the State cannot recruit staff in sufficient numbers and of high enough calibre) and, on the other, of material and financial resources. The equipment in the existing health facilities is deteriorating and, what is more, new facilities are not being created. This state of affairs has been brought about by a gradual decline in the volume of financial resources allocated to the health sector, which has in turn led to a budgetary imbalance in that sector. The staff expenditure allocation has in effect been increased, to the detriment of other budget items, in particular the "health facilities - operation" item.

235. The growth of poverty among households, particularly in urban areas, has meant that parents do not take their children to health centres, because they usually do not have the money for the doctor's fee or for other services or to buy medicines.

236. For that reason they prefer to turn to traditional healers, who charge a lot less, with all the uncertainty that involves as to a cure.

(c) Institutional factors

237. These are basically:

- Highly centralized health services management;
- Poor management of those services;
- No community participation or insufficient coordination of such participation when it does occur;
- Lack of coordination of private assistance;
- Defective intrasectoral and intersectoral mechanisms for health work coordination;
- The difficulty of implementing the different health policies introduced since 1960.

4. Progress achieved

238. As far as institutions are concerned, a "child survival" division has been established within the Department of Maternal and Child Health of the Ministry of Public Health.

239. A sectoral health policy came into being in July 1995.

240. On the subject of cooperation, valuable assistance has been provided by Niger's development partners, particularly UNICEF, WHO and UNFPA, as well as international and bilateral aid organizations.

241. In regard to health infrastructure, a study has shown that most health facilities are permanent structures built according to norms and standard plans and that the buildings are as a whole in relatively good condition; measures have been taken for the maintenance, rehabilitation or construction of certain buildings to keep them operating or bring them into operation, in view of the increased workload resulting from growing health-care demand.

242. Some statistics worth noting are:

- The infant and child mortality rate, which declined from 318 to 274 per 1,000 in 1997/98;
- VAT vaccine coverage, which increased from 3 to 47 per cent in 1997/98;
- The poliomyelitis eradication campaign, which has been 97 per cent successful;

- With regard to maternal and child health, the rate of use of prenatal health care, which has risen from 30 per cent in 1992 to 39.6 per cent in 1996;

- The rate of assisted delivery, which has grown from 33 per cent in 1992 to 44 per cent in 1997/98;

- The noticeable progress that has been made in the field using the "Bamako initiative" approach, which is being spread throughout the country.

5. Priorities and goals

243. Under the sectoral health policy adopted in 1995 the Government set as its priority the improvement of the health of its population by the year 2000. The intermediate goals towards the achievement of that policy are:

(i) Bringing the health-care centres closer to the population through an effective decentralization of health services to be obtained by developing health districts as the priority setting for the provision of primary health care;

(ii) Increasing the effectiveness of the disease prevention system by improving vaccination, health education and environmental sanitation;

(iii) Rationalizing the management of the human, material and financial resources allocated to the health services;

(iv) Organizing community participation in health activities by setting up facilities and rules for the partial recovery of costs, backed by transparent, effective and efficient management;

(v) Ensuring that quality services are more easily accessible and available at all levels of the health system;

(vi) Making intersectoral cooperation effective in solving environmental problems that have an adverse effect on health.

244. The State intends to achieve these goals by such strategies as:

- Decentralizing and reorganizing the health system;

- Increasing resource availability;

- Extending health coverage;

- Training personnel;

- Improving the quality of services;

- Combating disease, notably by increasing the vaccine coverage of children from 0 to 5 years so as to reach 80 per cent by the year 2000.

245. The State plans to mobilize funds from the practice of "zakat" to benefit hospitals. Such a method of resource mobilization can be successful in a country with a population more than 95 per cent Muslim.

D. Social security (art. 26)

1. Legislative, administrative or judicial measures

246. A variety of laws and regulations exist concerning social security.

247. The National Social Security Fund in Niamey and its branches in the different departments are involved in both prenatal and medical care and family allowances.

248. There are two medical centres for health care in Niamey, two in Maradi and one each in Tahoua, Agadez and Zinder.

2. Constraints

249. There are three observations to be made with regard to social security:

(i) Only the children of salaried workers are covered by social security; mothers-to-be receive prenatal care and modest sums are paid as family allowances;

(ii) Children from the other segments of the population (90 to 95 per cent) enjoy no form of social protection. However, the medical and social centres offer services to all strata of the population;

(iii) The economic difficulties that the State of Niger is experiencing no longer allow it to make regular contributions to the National Social Security Fund.

Mention should be made of the progress represented by the establishment of more and more private social security systems. However, they are not geared specifically to children.

E. Childcare facilities (art. 18, para. 3)

250. In the case of children with parents from rural areas (90 to 95 per cent of the population) the problem of childcare facilities does not arise: means exist enabling the mother to leave her child with a trustworthy third person.

251. That person is usually an aunt, grandmother or elderly neighbour. The problem is far more acute for mothers working outside the home who live in urban areas (civil servants, shop assistants et al.).

252. For some years now, thanks to the good will of the State and its development partners and also some private individuals, initiatives have been taken to set up childcare facilities. Nevertheless such facilities are clearly still insufficient and are not accessible to the majority of the urban population because of their cost. In practice, civil servants employ young girls known as "maids" or "nannies" to look after their children, with all the accompanying dangers to the latter's safety (food poisoning, violence, electrocution etc.)

F. Standard of living (art. 27, paras. 1-3)

1. Legislative, administrative or judicial measures

253. Article 14 of the Constitution of Niger guarantees everyone an adequate standard of living. The State and public entities have the duty to assist parents in discharging their task in that regard.

254. Articles 18-2 and 19 of the Criminal Code provide that the property of minors is protected by the law. It penalizes any misuse of minors' property or exploitation of their weakness or feelings in order to make them harm their own interests by subscribing to bonds or signing receipts or discharges for the loan of money or goods, bills of exchange or any other obligations. The form in which the negotiation with the minor is presented or disguised makes no difference.

255. Where parents are divorced and the mother has been awarded custody of the children, the father is usually required to pay a maintenance allowance for the children. The amount of the allowance is calculated according to the father's means. Non-payment constitutes a criminal offence punishable under article 261 of the Criminal Code.

256. Article 260-1 of the Criminal Code condemns fathers or mothers who, without serious cause, abandon the family home for more than two months and neglect all or part of the moral or material obligations incumbent on them by virtue of their authority as parents or legal guardians.

2. Difficulties and constraints

257. In practice the implementation of these legal provisions and regulations in accordance with the letter and spirit of the Convention on the Rights of the Child is impeded by several factors and constraints having to do with education, living conditions, access to drinking water and sanitation and access to health care.

(a) Living conditions

258. The situation is marked by a shortage of housing in urban centres, accompanied by very high demand. It is estimated that 5,000 dwellings per year are needed to meet the requirements

of the population in Niamey alone. The figures show that the situation of those in housing is precarious: more than 50 per cent of inhabitants are tenants and about 24 per cent live rent-free or are squatters.

259. The problem is worst in Niamey; but increasingly the main towns of the interior are coming to resemble the capital. It was not until 1996 that the country acquired a code governing rental leases. In rural areas the housing is fragile and thus rural people, particularly children, are vulnerable in bad weather. The 1998 winter exacerbated the problem of living conditions in both rural and urban areas by reason of the exceptionally heavy rainfall Niger experienced.

(b) Water and sanitation

260. The basic indicators in the "drinking water and sanitation" sector show that, despite the efforts made since the 1980s, in particular the creation of nearly 17,000 modern water-supply points, the existence of a rainwater collection network (over 100 kilometres) and the construction of paved roads, an improvement has been achieved in the drinking water area only, with access provided to over 50 per cent of the population; specifically, the rate of coverage of drinking water requirements is 44 per cent for rural areas and 76 per cent for urban areas.

261. However, these rates should be qualified, as an examination of open wells has shown that some are polluted. There are no statistics showing how widespread the phenomenon is.

262. Waste treatment coverage is only 5 per cent in rural areas and 79 per cent in urban areas. Sanitation service coverage is about 17 per cent.

263. The following are the criteria for the allocation of water-supply points in rural areas:

- One modern water point (well or borehole with a manual pump) for any village or settlement of at least 250 inhabitants, any administrative village of fewer than 250 inhabitants and any village, whether administrative or not, even with fewer than 250 inhabitants, that is farther than 5 kilometres from a modern water point;

- A modern water point for every 250 inhabitants in villages where the population is between 250 and 2,000; in such cases, a separate water point may be envisaged whenever the greatest distance an inhabitant has to cover is more than 100 metres;

- A mini piped water supply with four fire hydrants for a population over 2,000; experience has shown that the limit of 2,000 could be lowered to 1,500 for reasons of economy.

264. Hydraulic infrastructure management policy is based on the concept of everyone having a right to water, the beneficiaries' duty being to maintain their water-supply point. Water-point management committees have been set up in each village. Water-point contractors and construction managers are required to create conditions for setting up outlets for the sale of hydraulic spare parts and simple structures for pump repair (village handymen repairers).

265. The precarious living conditions revealed by all the indicators are basically linked to the extreme poverty of the country.

266. Thus the income and expenditure survey for 1993 estimated that 67 per cent of children under 16 years of age in Niger were living below the poverty line. This situation is the result of the poverty of the State. A cross-section of poverty in the country shows that 63 per cent of the inhabitants live below the poverty line, in other words 5,269,300 people in Niger have insufficient means to allow them to live in minimally decent conditions. The 647,000 households concerned have in fact, on average, less than 24,000 CFAF per year to cover their expenditure on water, housing etc.

3. Priorities and specific goals

267. For several years now Niger has been undertaking actions and adopting measures aimed at halting the deterioration of the economic situation of its people, especially that of the poor. It has thus set up targeted programmes of job creation, occupational reintegration and an early warning system and measures of support for vulnerable groups.

268. It was to remedy such shortcomings that in March 1998 the Government of Niger prepared a new, comprehensive and coherent strategy to combat poverty. This blueprint for the fight against poverty, whose legal basis is Act No. 97-024 of 8 July 1997 containing an economic recovery programme, should lead to immediate as well as medium-term and long-term results. The strategies and actions included in this programme draw on the people's own priorities which they took part in selecting and for which they are ready to make great efforts, together with the State, the donors and civil society.

269. Niger's programme to combat poverty was examined at the Geneva Round Table by multilateral and bilateral organizations, international bodies and NGOs, which have committed themselves to supporting Niger in implementing the programme.

270. In September 1998 the Government launched a series of seminars to inform regional executives in the field of all the details of the economic recovery programme, with the aim of involving them in its implementation.

271. To date, a third of the amount to be mobilized for the needs of the programme has been collected.

VII. EDUCATION

A. Education, including vocational training and guidance

1. Legislative, administrative or judicial measures

272. Article 19 of the Constitution provides that parents have the right and duty to bring up and educate their children. They are supported in this by the State and authorities.

273. The Constitution is complemented by legislative and regulatory instruments (decrees, laws, orders) which constitute the legal framework for education. Act No. 98-12 of 1 June1998, which sets out the aims of the education system, states that formal education is a means of acquiring education and vocational training in a school setting. The Act sets forth the right of the child to education and the obligation of the State to make primary education compulsory and free.

274. Thus, article 2 of the Act states that education is compulsory for every citizen of Niger without discrimination on the basis of sex, race or religion. Education is compulsory from 4 to 16 years of age. No child, boy or girl, can be taken out of or excluded from the education system for any reason whatsoever before the age of 16 years.

275. Article 7 of the Act states that education is a national priority.

276. In administrative terms, organization of the education system is the responsibility of the Ministry of Education, which comprises:

A department of secondary and technical education;

A department of pre-school and primary education;

Regional departments;

Various guidance commissions;

Pre-school, primary and secondary school inspectorates;

A department of private education;

A department of education in Arabic.

A decree has recently been adopted placing the Department of Vocational Training under the Ministry of Education.

277. The Government has recently adopted an education policy incorporating evaluation of the system and development of new strategies.

2. Policy implementation infrastructure

(a) Pre-school education

278. There is no organization act regulating pre-school education, which is available only in certain urban centres. The limited extent of pre-school education means that it is not viewed as a branch of the national education system. It is the only branch of education in the public sector to which access is on a fee-paying basis. The private education sector is showing increasing interest in this area. Historically, Catholic mission schools have been in the forefront. This branch of education is currently under the Department of Primary education.

(b) Primary education

279. Primary education is governed by Order No. 25-76/IP of 22 August 1945. The introduction and programmes section was amended by Order No. 037/MEN/FP/SG of 17 March 1988. Primary education is six years in length and covers children from 7 to 12 years of age. It is available as:

Traditional French education;

Franco-Arabic education;

Experimental education on the basis of national languages.

(c) Experimental education

280. Experimental education uses the mother tongue as the medium of instruction. Medersas are recognized (Order No. 005/MEN of 2 January 1966), but there is no organization act providing for education in national languages. The absence of such an instrument does not make the running of experimental schools an easy matter.

281. In 1996-1997 the following statistics applied to primary education:

School-age population: 1,540,810 (7-12 years of age);

Number of schools: 3,063, including 69 private schools;

Number of classes: 11,637, including 359 private classes;

Number of pupils: 464,267, including 177,136 girls;

Number of teachers: 11,376, including 3,678 women;

Number of primary school inspectors: 75, including 12 women;

Number of educational advisers: 100, including 12 women;

Pupil/teacher ratio: between 29:1 and 42:1.

(d) Secondary education

282. Secondary education comprises two cycles: junior high schools (CEGs) and high schools, offering two tracks. Mini-CEGs and neighbourhood high schools have been opened in response to demand. In 1997 the situation was as follows:

Secondary education 1996/97

	Pupils	Teachers	Number of schools	Number of inspectors
First cycle: public	70 349	2 270	133	
Private	7 560	261	27	
Franco-Arabic	4 220		12	2
Second cycle: public	11 178	697	19	
Private	1 383	133	1	
Franco-Arabic	665		4	2
Total	95 355	3 361	206	4

With regard to cycles, Decree No. 64-171/MEN of 21 August 1964 governs the status of CEGs. High schools are not governed by an organization act. In terms of tracks, traditional French secondary education and Franco-Arabic education are available.

(e) Higher education

283. Higher education is governed by the following legislation:

Decree No. 82-142/PCMS/MES/R of 29 July 1982, governing the functions of University of Niamey schools and institutes;

Ordinance No. 84-003 of 12 January 1984, establishing the University of Niamey as a public State institution;

Order No. 064/MES/R/UNI of 7 January 1985, on the organization, functioning and areas of responsibility of University of Niamey faculty and institute bodies;

Decree No. 92-232/PM/MEN/R of 19 June 1992, approving the University statutes.

(f) Technical and vocational education

284. A characteristic of the system of technical and vocational training in Niger is that it falls under a number of authorities without there being any coordination. The lack of any structure for coordination or overall guidance makes the system complicated, costly and ineffective. The situation is as follows:

(a) Technical and vocational education under the authority of the Ministry of Education (Dan Kasawa and Issa Beri technical high schools; community development basic training centres);

(b) Vocational training organized by the Civil Service, Labour and Employment Ministry:

Kalmaharo Technology Centre, Niamey;

Vocational and apprenticeship training centres at Niamey and Zinder;

(c) Specialized vocational training, organized by technical ministries in their respective areas:

Kollo Rural Development Practice Institute;

Niamey and Zinder Public Health Schools;

Niamey Civil Service College;

Aïr d'Agadez Mining School;

(d) Private centres under the authority of the Civil Service, Labour and Employment Ministry:

Centre for Electronics, Electromechanical and Computer studies;

Management Training Centre;

Niger Typing School;

Professional Typing School;

(e) Programmes and projects with a significant training component: Nigetec, CARE International, among others;

(f) Company-based training, only loosely regulated:

Informal on-the-job training.

285. The new Act on the Education System has definitively resolved the issue of authority over the sector, which was previously regulated by the Ministry of Education and the Civil Service, Labour and Employment Ministry. The act consolidates regulation of vocational training, henceforth to be administered by the Ministry of Education.

(g) Teacher training

286. Primary schoolteachers and assistant teachers are trained in four teacher training colleges under the authority of the Ministry of Education (Zinder, Tahoua, Maradi and Dosso).

287. Secondary schoolteachers, primary school inspectors and educational advisers for both levels are trained at the Advanced Teacher Training college.

Training at teacher training colleges

	Dosso	Maradi	Tahoua	Zinder
1990	192		159	110
1991	229		187	70
1992	193		81	95
1993	279		174	210
1994	246	210	159	323
1995	147	18	118	211
Total	1 286	228	878	1 019

288. There are specific problems with regard to continuing training. There are not enough resources to run an adequate inspection service. Nevertheless, there are certain projects offering ad hoc training for a limited target audience. The pedagogical support office for the project on support for the Niger education system (ASEN) offers continuing training in certain subjects at the secondary level.

(h) Franco-Arabic education

289. Franco-Arabic education has existed since 1958, and is governed by an order of 2 January 1966. It includes primary schools, medersas, offering courses in French in some subjects and in Arabic for others, leading to a certificate in Franco-Arabic studies.

290. Medersas represent an increasingly significant element in education: 137 schools out of 3,238. They are particularly numerous in Zinder, Tillabéry and Niamey, where they represent 20 per cent, 19 per cent and 15 per cent of schools, respectively.

Location, staffing and school population of Medersas 1995/1996

	Number of pupils	Number of schools	Number of classes	Number of teachers	Administrative staff
Agadez	3 098	13	61		
Diffa	674	6	26		
Dosso	1 815	9	40		
Maradi	3 304	12	78		2 (1 regional inspector)
Niamey	7 730	37	165		5 (1 primary school inspector; 1 secondary school inspector)
Tahoua	2 789	14	66		
Tillabéry	2 854	18	72		
Zinder	4 351	22	117		2 (1 primary school inspector)
Total	26 611	131	625	675	7

(i) Adult education and literacy

291. The Department of Adult Literacy and Training (DAFA) organizes annual literacy campaigns in cooperation with government technical services, non-governmental organizations and other partners operating in rural areas. These began in the 1970s in the five major national languages (Hausa, Djerma, Kanuri, Peulh and Tamasheq). Adult literacy has been facilitated by the adoption of a common alphabet.

292. The literacy rate is 19 per cent for men and only 12.4 per cent for women. Campaigns are targeted at adult men and women, girls, and local and regional elected officials. In the 1995-1996 campaign there were 906 literacy centres, attended by 20,789 people, including 8,437 women; 13,936 people were tested, including almost 6,000 women, with a pass rate in the end-of-year test of 46.7 per cent, of which 29.59 per cent were women.

293. The number of literate women, after having remained constant between 1988 and 1992, has shown an increase for the past two years, while the number of men enrolled, after having peaked at 23,000 in 1990, declined to 12,352 in 1996. The decline is owing in part to inadequate resources for DAFA and a progressive disengagement by the State and authorities. Literacy activities are conducted in partnership with development cooperation agencies, which fully fund them. The following literacy statistics apply to 1996:

Enrolled: 20,789, including 8,437 women, i.e. 40.58 per cent;

Learned to read and write: 6,505, including 1,925 women, i.e. 29.5 per cent.

Literacy campaign 1995/1996

Region	Number of centres	Learned to read and write		
		Men	Women	Total
Agadez	30	70	48	116
Diffa	31	138	78	216
Dosso	166	745	161	906
Maradi	112	675	294	969
Niamey Urban District	44	202	78	280
Tahoua	290	1 663	655	2 318
Tillabéry	146	697	314	1 011
Zinder	87	390	297	687
National total	906	4 580	1 925	6 505

(j) Private education

294. Private education is regulated by Ordinance No. 96-35 of 19 June 1996 and its implementing decree of the same date (No. 96-210/PCSN/MEN). The Ordinance also deals with general education and non-formal education, such as Koranic schools.

(k) Non-formal education

295. This branch includes Koranic schools, unregulated vocational training and apprenticeships, catechism classes, day-care centres and women's homes.

296 It is estimated that 60 per cent of children from ages 7 to 14 graduate from Koranic schools. The act regulating private education classifies Koranic schools and classes as non-formal institutions. Koranic schools are, in principle, open to all. There are some 40,000 such schools at the village and district levels, particularly in urban centres. Nevertheless, the vast majority of children attending such schools do not reach the reading/writing stage. Koranic schools are open to both boys and girls. Religious education only is provided, and is greatly appreciated by parents.

(l) Special education

297. Special education covers schools for the disabled and care facilities for abandoned children. They are under the authority of the Ministry of Social Development, Population, Advancement of Women and Protection of Children, with support from the Ministry of Education. Special education is not structured. There are only a few centres: a school for young blind people (Niamey) and three schools for the deaf (Niamey, Maradi and Zinder).

298. There is NGO involvement in this area. Caritas has opened centres at Niamey, Maradi and Agadez to provide vocational training for disabled young people with minor locomotor difficulties.

3. Oversight mechanisms and strategies

299. Follow-up is through general inspection activities and educational advisers, as well as continuing training for teachers.

300. The new act provides for periodic follow-up and evaluation of the education system through the bodies and structures established for that purpose. In that connection an education oversight council has been established. Follow-up and evaluation apply to:

Implementation of education policy;

The purposes, objectives and functions of the various branches of education;

Programmes and methods;

National policy implementation structures;

Education and training structures;

Funding, management and operation of the education system;

Teachers, administrative staff and students.

Follow-up and evaluation take place at the national, regional and local levels.

Administration

	Number of schools/ centres	Number of classes	Number of teachers	Number of inspectors	Number of administrative staff
Pre-school	103 (14 private)	310 (37 private)	360 (39 private)	2	
Primary					117
Public	2 822	10 670	10 416	45	
Experimental	42	181	185	-	5
Medersas	144	548	281	2	9
Private	67 (+ 37 medersas)	178 (+ 138 medersas)	178 (+ 153 medersas)		The same inspectors cover private education
Special	3				
Secondary	211	2 064	2 967	12	99
Public	153 (133 junior high schools + high schools)	1 807	2 568	11	
Private	35 junior high schools + 13 high schools	320 50	370 160	1 -	
Franco-Arabic	10 (8 junior high schools and 2 high schools)				
Literacy	2 721				3
Technical education	2	40	132	0	3

4. Factors and difficulties impeding the implementation of the Convention

301. The education system in Niger has been in crisis since the country attained independence. Notwithstanding a plethora of meetings and forums, the crisis continues. There are several reasons for this state of affairs.

(a) Immediate causes

302. Despite several attempts at fundamental reform, education in Niger is still dominated at the base by a system of primary education with objectives and methods that remain essentially the same as those prevailing before the country attained independence. In 1990 fewer than

370,000 children from 5 to 8 years of age attended primary school, out of a theoretical school-age population (7-12 years of age) estimated at 1,436,200 (based on a projection of the 1988 general population census).

303. Pre-school education, before primary school begins, was introduced in 1977 but is available to only token numbers (11,463 enrolments in 1990) and is largely urban.

304. Post-primary school adult literacy programmes, intended to offer those who were unable to attend primary school an opportunity to learn to read and write in their mother tongue, are risible in terms of capacity and objectives.

305. Retrospective analysis of the education system reveals that the poor results obtained, despite the early focus on basic education, is essentially due to the poor performance of the system, which has led to reluctance on the part of parents, who already view the school system as having a negative cultural influence.

Enrolment rate by type of environment

Urban				Rural			
Boys		Girls		Boys		Girls	
Gross rate	Net rate	Gross rate	Net rate	Gross rate	Net rate	Gross rate	Net rate
64.1	47.7	53.5	19.5	19.5	15.0	9.5	15.0

National					
Boys		Girls		Total	
Gross rate	Net rate	Gross rate	Net rate	Gross rate	Net rate
26.3	20.0	17.0	13.1	28.7	16.6

Source: UNICEF-Niger Cooperation Programme 1995-1999.

(b) Underlying causes

306. The underlying causes are as follows:

Inadequate and out-of-date infrastructure;

Inadequate staffing and demotivation of staff owing to delayed payment of salaries as a result of the country's economic crisis and financial difficulties;

Inadequate school supplies: the ratio of one book to every two pupils maintained in earlier years can no longer be sustained;

The economic crisis has had a severe impact on communities and families, which have become impoverished and can no longer meet the educational expenses of their children;

Inadequate assumption of responsibility by local authorities in adapting schools to the local environment;

Demographic growth (3.3 per cent) is increasing the imbalance between supply and demand of education (1,500,000 children of school age in 1993 against 350,000 accepted into the formal education system);

A widely dispersed demand for education as a result of the scattered population, which adds to sectoral costs;

The inadequacy of government resources, owing to economic difficulties and a fall in tax revenue, undermines State efforts.

(c) Structural causes

307. Structural causes include:

A rapid, progressive deterioration in the physical environment, increasing the imbalance between people and the environment and making coverage of the country difficult;

Physical distance, which results in additional infrastructure cost, limits access to educational institutions and makes oversight difficult;

The high cost of infrastructure and the country's position in the centre of the continent, which result in higher costs for shipping of equipment and limit investment in the sector;

The crisis of authority affecting the system.

5. Progress achieved

308. An education policy and an education act have recently been adopted. The aim of the policy is to institute an effective education system, accessible to the vast majority, so as to eliminate illiteracy quickly with a view to establishing appropriate conditions for the economic and cultural development of the country.

309. The Education Act establishes education as a national priority and makes the organization of the education system the responsibility of the State. The development of bilateral, regional and subregional international cooperation has led to positive results in this regard.

(a) Subregional level

310. A meeting was organized in March 1995 on the topic "Subregional basic education".

(b) Regional level

311. An effort has been made to harmonize programmes in French-speaking countries.

(c) International level

312. The World Bank, through the basic education sectoral project (PROSEF), facilitated the following activities between 1995 and 1996:

Construction of 1,770 new classrooms;

Renovation of 1,500 classrooms;

Distribution of 391,173 books, 353,327 mathematics workbooks and 23,300 teachers' textbooks;

Recruitment of 1,852 teachers;

Refresher training for 1,401 teachers;

Opening of 954 double intake classes, totalling 87,988 pupils;

Establishment of a pilot project, "Practical and productive activities" (APP), in 50 schools, together with the training of close to 3,500 teachers in APP.

313. Implementation of a programme to educate girls led to an increase in enrolment from 29.2 per cent in 1995-1996 to 30.2 per cent in 1997-1998.

314. The African Development Bank and UNICEF are helping to meet the demand for school gardens. They are also active in the health field, schools, and literacy for women and girls.

315. UNESCO is playing a key role in the follow-up to the Jomtien conference, in particular with regard to the development of education for all.

316. UNFPA is becoming increasingly involved in literacy for women in rural areas.

317. UNDP and UNESCO are providing technical support in the formulation and implementation of a plan of action for the education component of the framework programme on poverty alleviation.

318. Other multilateral and bilateral partners are becoming increasingly involved in this sector. The main actors are the African Development Bank, the European Development Fund (multilateral) and the French, Swiss, United States, Belgian, German, Japanese, Arab, Nigerian, Netherlands and other development cooperation agencies.

Bilateral and multilateral financing

Source of financing	Amount (CFA francs)	Year or period	Object of financing
Canadian development cooperation agency (ANR)	80 000 000 792 620 000	1993 1994	Equipment for 170 classes (primary and secondary): bench tables, desks, chairs. Replacement of 154 open-sided classrooms and equipment at Dosso (103 classes) and Diffa (54 classes)
Japanese development cooperation agency (ANP)	3 040 000 000 3 380 000 000	1994 1997	Construction of 90 primary classrooms; 12 secondary classrooms and a full mini-CEG in Niamey Urban District. Replacement of 137 open-sided classrooms and equipment and construction of 27 toilets in Niamey Urban District and in the department of Tillabéry
OPEC funds (loan)	1 106 000 000 3 988 000 000	1997 1989-1996	Construction and equipment of Tessaoua high school and Iferouane CEG. Construction and equipment of 360 primary classrooms (120 per year for 3 years)
Aide et Action NGO		1989-1996	Construction and equipment of 167 new classrooms; renovation of 43 classrooms; construction of 11 storerooms;

Source of financing	Amount (CFA francs)	Year or period	Object of financing
			3 perimeter walls; 25 fences in the districts of Loga, Ouallam, Filingué and Doutchi
World Bank (PROSEF) IDA Norway FRG/KFW Niger Communities	45 372 000 000	1995-1999	Construction of 1,770 primary classrooms; Renovation of 1,500 existing classrooms; Promotion of school enrolment of girls; Enhancement of teacher training programmes; Distribution of new textbooks, including in national languages, etc.

319. There is also considerable NGO support in this area. CARE International, Aide et Action and Makaranta are engaged in the construction of new classrooms, equipment of schools, support for non-formal education and technical and vocational training.

B. Aims of education (art. 29)

1. Legislative, administrative or judicial measures

320. The African Charter on the Rights and Welfare of the Child provides in article 20 that parents have a responsibility to educate their children so as to ensure their development.

321. The Constitution, in article 19, provides that parents have the duty to educate children, with State support. The Constitution also makes the State responsible for the dissemination and teaching of human rights and fundamental freedoms.

322. Article 2 of Act No. 98-19 on the education system provides that education is compulsory for all citizens, without discrimination on the basis of sex, social origin, race or religion. Article 16 of the Act provides that the purposes of the education system are to:

Develop the individual's potential and aptitudes;

Form future leaders, both men and women, through practical and utilitarian education;

Train responsible men and women, capable of demonstrating adaptability, creativity and solidarity;

Cultivate virtues consistent with the development of the individual and support for the community;

Guarantee all young people equal access to education, irrespective of geographical, social or cultural origin;

Eradicate illiteracy in the medium term through the application of all existing or future educational resources and by making education in national languages widely available in the basic cycle;

Develop both the quality and quantity of technical education and vocational training available in accord with the socio-economic environment in the country;

Develop research, in particular pedagogical research.

323. The Act provides in article 18 that the educational system should be aimed at:

In terms of content:

Providing education rooted in the objective realities of the environment, taking into account economic, technical, social and cultural developments;

Enhancing scientific and technological education;

Providing education in defence and preservation of the environment;

Educating citizens in democracy, patriotism and national and African unity;

Developing in each individual a spirit of solidarity, justice, tolerance and peace;

In terms of methods:

Promoting a spirit of observation, analysis and synthesis;

Combining theory and practice;

Creating and stimulating a spirit of creativity, initiative and enterprise.

2. Priorities and goals

324. The goals assigned to the education system are to:

(a) Develop the individual's full potential and aptitude;

(b) Make education practical and utilitarian in nature;

(c) Cultivate virtues propitious to the development of the individual and support for the community;

(d) Democratize the education system;

(e) Eradicate illiteracy;

(f) Make the system open to universal values of civilization and current world trends;

(g) Expand education in national languages;

(h) Develop vocational training at all levels;

(i) Give renewed impetus to pedagogical research.

325. Making the education system of Niger democratic is a priority. Democratization involves education for all with a view to promoting participation of the people in development. Democratization will necessitate the development of basic education through:

Increasing school enrolment and literacy rates;

Improving school enrolment of girls and literacy among women;

Increasing participation by private education in school enrolment efforts;

Development of an active and diversified partnership;

Development of special education to promote the insertion and ensure the social autonomy of the disabled;

Reduction of inter- and intraregional disparities in school enrolment.

C. Leisure and cultural activities (art. 31)

1. Legislative, administrative or judicial measures

326. The Constitution, in articles 11, 14 and 23, recognizes the right of each individual to his or her own development, including the right to leisure, sports and games and participation in cultural activities.

327. Traditionally, the special place of the child means that everything is done to ensure his or her development. Facilities for sports and games, leisure and recreational activities are provided for.

328. Regulatory instruments on leisure and cultural and recreational activities for children have been adopted by the State.

329. In terms of leisure, there exist:

A centre for training in and promotion of music at Niamey;

Cultural centres and libraries;

Regional museums;

A congressional palace at Niamey;

Four youth advisory centres at Niamey (2), Maradi and Dosso.

2. Constraints and difficulties

330. These are associated with inadequate human and financial resources. The maintenance of infrastructure involves heavy expenditure, which the State is less and less able to meet as a result of the economic crisis.

3. Progress achieved

331. Before its ratification of the Convention, the State had made development of the child a priority. Thus, an annual youth festival, initiated in 1975, offers a framework for leisure and cultural activities open to all young people in the country.

332. With regard to leisure activity, Acts No. 98-085 and No. 98-086/PRN/MJS/SN, of 6 April 1998, relating to approval of the National Youth Charter and the National Youth Policy Statement, respectively, contain provisions on the adoption of measures to promote the development of young people in Niger.

4. Infrastructure in place

333. At present there are:

Eight hundred youth centres throughout the country;

Eight traditional wrestling rings;

Thirty-five youth and cultural centres at the departmental and district levels;

Eight mini sports complexes at the departmental level;

A congressional palace with a large hall at Niamey;

A multi-sports stadium at Niamey.

334. With regard to leisure activities, various activities are organized periodically:

The Dan Gourmou Prize, established in 1989, is an annual music competition to discover and support young talent;

A festival of traditional dance and music from Niger;

Niger Schoolchildren's Week, which allows schoolchildren from all over the country to meet and constitutes an element for the consolidation of national unity;

Niger Cinema Week;

Theatre and Laughter Week;

Summer vacation tournament, with sports activities;

Commemoration of the Day of the African Child on 16 June, offering a special framework for activities by children from all over the country to encourage their development.

335. NGOs and other associations are also active in the field of leisure and cultural activities for children. Certain NGOs organize artistic and cultural activities for children in difficulty and have also constructed playrooms at foster homes for abandoned children.

336. Bilateral and multilateral partners, such as UNICEF, the French development cooperation agency and the United States of America, are also involved in this area. Thus, for example, France, through the Franco-Niger Cultural Centre, has provided a reading room, theatre, cinema and television for children. The United States, through the United States Cultural Centre, has also provided a centre for reading and various cultural activities, including theatre, for children.

5. Priorities and goals

337. In view of their numbers young people constitute a social force that the country cannot overlook in its development. Thus the priority is on a youth policy aimed at ensuring the well-being of young people by making them actors in and beneficiaries of development. In that regard the following goals have been selected:

To inform, educate and train young people;

To protect young people;

To ensure their social integration;

To improve living conditions for young people.

VIII. SPECIAL PROTECTION MEASURES

A. Refugee children (art. 22)

1. Legislative, administrative or legal measures

338. Niger is a party to the United Nations Convention of 28 July 1951 relating to the Status of Refugees, amended by the Protocol of 31 January 1967, to the African Unity Convention of 10 September 1969 governing the Specific Aspects of Refugee Problems in Africa and to the African Charter on the Rights and Welfare of the Child.

2. Infrastructure in place

339. A camp has been set up in the eastern part of the country (Gouré) for Chadian, Burundian, Zairian and other refugees. It comprises housing, a primary school, an infirmary and apprenticeship workshops. The work being done by Niger is supported by the High Commissioner for Refugees and friendly countries and is concentrated in the fields of food, accommodation, health, the schooling of children and adult literacy.

3. Monitoring and follow-up mechanisms and strategies

340. An Inter-Ministerial Commission has been established to implement follow-up measures and evaluate the work undertaken. This Commission, which is subordinate to the Ministry of the Interior and Physical Planning, acts in close cooperation with the National Red Cross and the Office of the High Commissioner for Refugees.

341. Work has begun on a social integration programme elaborated by mutual agreement between the Government of Niger and the Office of the High Commissioner for Refugees. The programme, which covers food, health and education, is aimed primarily at women and children.

4. Difficulties encountered

342. The main difficulty is due to the fact that the refugees live side by side with the local inhabitants who, themselves usually destitute, take a dim view of the arrival of these outsiders who appear to enjoy favoured treatment.

5. Progress achieved, priorities and specific goals

343. The progress made in this field comprises the construction - with the agreement of the local authorities - of a permanent social and educational complex replacing straw huts and tents.

344. The ultimate goal is the voluntary repatriation of the refugees to their countries of origin.

B. Children in armed conflicts (art. 38)

1. Legislative, administrative or judicial measures

345. The displaced populations are returning to their respective regions of origin under the peace agreement concluded in 1995 between the State of Niger and the various factions which participated in the armed rebellion. For this purpose, the Office of the High Commissioner for the Restoration of Peace has been established with local offices in the areas concerned (Agades, Tahoua, Diffa).

2. Infrastructure in place

346. The camps set up in areas where most of these refugees are being settled are actually complexes, comprising a social and educational infrastructure (schools, dispensaries, women's homes, grain mills, etc.).

3. Difficulties encountered

347. Socio-professional reintegration after a long absence is the main problem.

4. Progress achieved

348. A major social reintegration project for displaced persons was elaborated with the help of donors and friendly countries (European Union, FED, UNDP, UNICEF, World Bank, Algeria, Belgium, Burkina Faso, France, Germany, Libyan Arab Jamahiriya, etc.).

349. Women and children are given priority under this project, particularly as regards schooling.

350. In the framework of the peace agreement, a protocol was signed between the Government of Niger and the NGO Monaco Aide-Presence in respect of displaced children from the north.

C. Administration of juvenile justice (art. 4)

1. Administrative, legislative or judicial measures

351. Articles 15 of the Constitution states that no person can be arrested or incarcerated except under a law previously adopted and when informed of the facts. Moreover, article 17 states that any persons accused of a felonious act shall be presumed innocent until their guilt is established legally through a public trial during which all necessary guarantees for their defence are assured. No person shall be condemned for the commission or omission of any act which, at the time when it was committed, did not constitute an infraction under national law. Likewise, no person shall be inflicted with any penalty heavier than that applicable at the time the infraction was committed.

352. The Criminal Code and the Code of Criminal Procedure contain specific provisions on the administration of juvenile justice. For example, children in conflict with the law may not be judged on the basis of flagrante delicto or summons procedure.

353. A judicial investigation must be carried out.

354. The Decree of November 1928 made provision for special juvenile courts. It may be noted that the training of juvenile magistrates began in 1996.

2. Infrastructure in place

355. At the present time, a minor in conflict with the law is brought before a court of general jurisdiction.

3. Difficulties encountered

356. These difficulties are due mainly to the lack of resources and real political will to establish institutions for the administration of juvenile justice.

4. Progress achieved

357. A bill establishing a juvenile court has been drafted and submitted to the competent authorities. Ten juvenile magistrates have been trained.

5. Priorities and goals

358. Priority in matters of juvenile justice is accorded to the adoption of a law on minors, the training of a sufficient number of juvenile magistrates and the effective establishment of juvenile courts by 2000.

D. Children deprived of their liberty

1. Administrative, legislative or judicial measures

359. Article 12 of the Constitution states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

360. The Criminal Code states that a minor may not be sentenced to death.

361. The arrest, detention and imprisonment of minors are governed by the Criminal Code and the Code of Criminal Procedure.

362. There are no special quarters for minors who are detained or imprisoned.

363. Children deprived of their liberty become the responsibility of the social services attached to various courts and to the legal aid body through a court-appointed lawyer. Contact with the family is arranged by the social services attached to various courts.

364. A survey conducted in urban areas in January 1998 by the scouts of Niger revealed that minors accounted for 1.68 per cent of the prison population in the Niamey civil prison.

2. Infrastructure in place

365. Only the Niamey civil prison has separate quarters for minors at the present time.

3. Difficulties encountered

366. Difficulties are due to the lack of human resources and of the State's material and financial resources. Other difficulties are created by the slowness of the judicial process in reaching decisions concerning children.

4. Progress achieved

367. The progress achieved consists essentially of a project for the construction of quarters for juveniles in various prisons as well as the strict regulation of the pre-trial detention of children.

368. Under the juveniles bill, the pre-trial detention of a minor must not exceed three months, subject to one three-month extension in the case of correctional offences. In criminal offences, pre-trial detention may not exceed one year, with a single extension of the same duration. It should be noted, however, that these provisions apply only to children under 13 years of age.

E. The sentencing of juveniles

1. Legislative, administrative or judicial measures

369. Under article 45 of the Criminal Code, juveniles of under 13 cannot be held criminally responsible for their acts. For this reason, regardless of the gravity of their offence, they cannot be prosecuted.

370. Juveniles of 13 to 18 years of age who have committed an offence will be acquitted if it is found that they acted without due discernment. However, protection, assistance or re-education measures, depending on the circumstances of the case, will be applied (Criminal Code, art. 46).

371. On the other hand, if minors of 13 to 18 years of age have acted with discernment their sentence will be reduced in the proportions specified in article 47 of the Criminal Code:

> Had they been liable to a sentence of death or life imprisonment, they will be sentenced only to 10 to 30 years' imprisonment;
>
> Had they been liable to 10 to 30 years' imprisonment, they will be sentenced only to one half of this period;

Had they been liable to a correctional or minor penalty, they will be sentenced to serve only one half of the period for which they would have been sentenced had they been 18 years of age, the legal age in criminal matters being fixed at 18.

2. Difficulties encountered

372. Difficulties are due mainly to the slowness of judicial procedures. For this reason, the period of pre-trial detention is often long so that in practice judges hand down sentences covering the period of pre-trail detention, whereas if the juveniles had been judged much more quickly, they might have received a shorter sentence.

3. Progress achieved

373. Under the juveniles bill, the court may, after having found the juvenile guilty:

Quash the sentence if it is found that the juvenile has been rehabilitated, that the injury has been made good and that the disturbance caused by the offence will cease;

Defer sentencing for a period of up to one year if it is found that the juvenile has been rehabilitated, that the injury has been made good and that the disturbance caused by the offence will cease;

Admonish or reprimand the juvenile; or

Order the application of protection measures (to be monitored by the juvenile magistrate).

F. Physical and psychological recovery and social reintegration (art. 39)

1. Legislative, administrative or judicial measures

374. The legal basis for rehabilitation and social reintegration measures is the 1928 Juveniles Decree.

2. Infrastructure in place

375. The Dakoro Rehabilitation Centre ensure:

Schooling and training in civics;

Apprenticeship of a trade with a view to socio-professional reintegration;

A return to community life.

3. Difficulties encountered

376. Difficulties are due mainly to the lack of suitable facilities, as well as the unsuitability of the single centre available which fails to satisfy present-day needs.

4. Progress achieved

377. Various NGOs are endeavouring to create social reintegration facilities for all children in difficulty. One local NGO, for example, has established two advisory centres in the Niamey urban district.

G. Children in situations of economic exploitation, including child labour (art. 32)

1. Administrative, legislative or judicial measures

378. Article 25 of the Niger Constitution of 12 May 1996 stipulates:

> "The State shall recognize the right of all citizens to work and strive to create conditions which promote the enjoyment of this right and which guarantee to all workers fair compensation for their goods or services."

379. Niger has ratified the ILO Minimum Age Convention (No. 138).

2. Monitoring infrastructures and mechanisms

380. The technical services of the Ministry of the Civil Service and Labour and the Labour Inspectorate are responsible for monitoring and regulating labour, employment and industrial disputes in the formal sector. These services comprise the Manpower Directorate, the Manpower and Labour General Inspectorate and the Labour and Social Security Department.

381. However, there is no specific machinery for monitoring child labour which is more widespread in the informal sector.

Distribution of children in the informal sector, by sex and socio-professional category

Nature of work	Total	Boys	Girls
Independent	59 127	33 823	25 304
Home help	482 768	889 660	93 108
Pieceworkers	2 219	1 659	560
Apprentices	4 092	3 711	381
Employers	493	377	116
Others	6 224	4 076	2 148
Total	55 923	433 306	121 617

Source: Final report on child labour, November 1996.

Characteristics of child labour in the informal sector

Activity	Sex and age	Position	Nature of activity	Conditions of work and environment	Dangers to which children are exposed
Bootblack	Male, 13 and over	Independent	Monotonous	All day in the street	Accidents, violence, drugs
Car minder	Male, 13 and over	Independent	Monotonous	All day in the open	Aggression
Joinery apprentice (wood and metal)	Male, 10 and over	Apprentice	Taxing	All day in the workshop	Physical deformation
Apprentice tailor	Male and female, 12 and over	Apprentice	Monotonous	All day without wages	Schooling suffers
Porter	Male, 9 and over	Independent	Taxing	All day at the market or in a shop	Aggression, physical deformation
Servant	Male and female, 12 and over	Home help and independent	Taxing and monotonous	All day	Sexual aggression, fatigue
Beggar	Male and female, 6 and over	Home help (parent or marabout)	Monotonous	All day	Aggression, prostitution, theft
Apprentice mechanic	Male and female, 10 and over	Apprentice	Taxing	All day without wages	Accident, physical deformation

Source: Daouda Ali, Child Labour in Niger, Final Report, Niamey Survey, April 1996.

3. Difficulties encountered

382. One difficulty is of a legal nature, in that whereas the legal age for the end of compulsory education is fixed at 16, the Labour Code states that a child of 14 can take on certain jobs or become an apprentice. Yet the greatest difficulty is due to the fact that child labour occurs mainly in the informal sector, so that the various safety measures provided for in the regulations are rendered ineffective.

383. The problem of child labour is aggravated by the increasing poverty of parents.

384. Yet another problem is created by the gradual withdrawal of the State from so-called "social" sectors due to financial difficulties.

4. Progress achieved

385. There are two trade unions in Niger, namely, L'Union des syndicats des travailleurs du Niger (USTN) and the Confédération générale du travail (CGT). The Ministry of Labour intends to associate these bodies with the policy designed to abolish child labour.

386. It may be noted that USTN, which was formerly the only trade union, has participated actively in the process of protecting workers in their workplaces. For example, teacher courses for the training of trainers in occupational health and safety were organized in Niamey with the technical and financial support of ILO and the DANIDA project. Participants included representatives of trade unions and employer's associations.

387. NGOs are also combating child labour. For example, the NGOs Alten and Often, which participated actively in the child labour surveys conducted in Niger in 1998-1999, are deeply committed to the prevention of child labour.

H. Drug abuse

1. Administrative, legislative or judicial measures

388. The possession, trade in and use of drugs are regulated by Ordinance No. 74-30 of 8 November 1994 and Decree No. 77-168 of 8 December 1977.

389. Their provisions include measures for the treatment of drug addicts.

2. Follow-up infrastructures and mechanisms

390. Niger has an anti-drug squad, a centre for combating the use of toxic products and a National Anti-drugs Commission.

3. Difficulties encountered

391. The first difficulty is of a legal nature, in that most of the children with drug problems use local plants or chemical products with hallucinogenic effects. Since these products are not among those listed in the law, judges have no legal basis for punishing their use.

392. Another difficulty is that, whereas the law provides for the treatment of drug addicts, there is no centre for this purpose in Niger. The most serious cases are handled by the psychiatric services.

393. According to the prison survey carried out by the scouts of Niger in January 1998, the 34 persons sentenced to prison terms for drug use represented 8.90 per cent of the prison population.

394. The survey of the situation of child drug addicts in the Niamey urban district covering 30 children (21 boys and 9 girls) revealed the following:

Distribution by age and sex

Age	6-9		10-13		14-18		Total	
Sex	No.	%	No.	%	No.	%	No.	%
Boys	-	-	5	16.66	16	53.33	21	70
Girls	-	-	6	20.00	3	10.00	9	39
Total	-	-	11	36.66	19	63.33	30	109

Distribution by educational level

Educational level	Not attending school		Koranic school		First year class		Primary classes		Intermediate classes		Class 6		Total	
Sex	No.	%	No.	%	No.	%	No.	%.	No.	%	No.	%	No.	%
Boys	2	6.66	3	10	7	23.33	4	13.33	4	13.33	1	3.33	21	70
Girls	1	3.33	0	0	3	10.00	4	13.33	1	3.33	0	0	9	30
Total	3	10.00	3	10	10	33.33	8	26.66	5	16.66	1	3.33	30	100

Distribution by activity

Activity	Apprentice artisans		Car minders		Porters		Hawkers		Koranic students		Unemployed		Prostitutes		Total	
Sex	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Boys	3	10	10	3.33	3	10	2	6.66	2	6.66	1	3.33	0	0	21	70
Girls	-	-	-	-	-	-	-	-	-	-	-	-	9	30	9	30
Total	3	10	10	3.33	3	10	2	6.66	2	6.66	1	3.33	9	30	30	100

Distribution by type of drug used

Type of drug	Glue		Solvent		Hemp		Amphetamines	
Sex	No.	%	No.	%	No.	%	No.	%
Boys (total: 21)	17	80.95	13	61.90	7	33.33	5	23.80
Girls (total: 9)	0	-	0	-	5	55.55	4	44.44

I. Sexual exploitation and sexual abuse (art. 34)

1. Administration, legislative or judicial measures

395. Under the Criminal Code, sexual abuse is punished more severely if the victim is a child. For example, indecent assault on a child of under 13 is punished by 2 to 10 years' imprisonment (Criminal Code, art. 278). Indecent assault accompanied by violence on a minor of under 13 is punished by 10 to 20 years' imprisonment (art. 280). Indecent acts committed against a minor of the same sex are also punished. The rape of a child of under 13 is punished by 15 to 30 years' imprisonment.

396. Procuring and the incitement of minors to immoral behaviour are also punished more severely if the minor is less than 13 years of age. Sentences run from two to five years' imprisonment.

2. Follow-up mechanism

397. The vice squad and the legal officers of the courts are responsible for the identification and prosecution of cases of sexual abuse against children.

3. Difficulties encountered

398. These are of a legal nature. The law specifically protects minors under 13 years of age against sexual abuse or exploitation; in this respect it is not in conformity with the spirit and letter of the Convention on the Rights of the Child, under which the child is protected up to the age of 18.

399. Some difficulties are of a cultural nature in that the population is reluctant to report this kind of offence, and others are due to the meagre human and material resources available to the squads working in this area. Lastly, yet other difficulties are due to the extreme poverty of the population with the result that parents opt out and become too lax and even indulgent with respect to their children.

4. Progress achieved

400. It is the task of the Criminal Justice Reform Commission, attached to the Ministry of Justice, to bring Niger's laws and regulations into line with the Convention on the Rights of the Child.

401. A programme to combat poverty adopted by the Government with the help of its development partners may prove to be the answer to the problem of sexual exploitation.

402. One NGO provides care for young prostitutes of 9 to 22 years of age. The following action has been taken by the NGO Action pour les mineurs isolés du Niger (AMIN) to improve the living conditions of these sexually exploited girls in Niamey:

A camp for 40 girls in difficulty was set up to promote exchanges of information and provide education;

138 ill girls received free medical treatment;

Seven outings were organized;

Three girls were selected for schooling;

30 girls were enrolled in literacy classes;

A paternity search and/or subsidies plan was developed with the assistance of a consulting lawyer;

Three dietetic demonstrations were given at the outreach centre;

31 neighbourhood meetings were held;

A basketball team was organized.

5. Priorities and objectives

403. The objectives adopted in the framework of the child protection policy were as follows:

Protection of ill-treated children;

Alleviation of the suffering of ill-treated children.

The strategies agreed upon were:

Assistance to ill-treated children;

Arousing the awareness of parents;

The education or training of ill-treated children.

J. Sale, trafficking and abduction (art. 35)

404. The abduction, harbouring, concealment or substitution of a child as well as failure to hand it over to the person entitled to its custody are offences punishable under the Penal Code. It should be noted, however, that the sale of or trafficking in children are not officially known in Niger. One NGO, Timidria, is making efforts to combat slavery in certain traditionalist areas of the country.

K. Children belonging to a minority (art. 30)

405. The Constitution of Niger proclaims the equality of all citizens without distinction as to racial, ethnic or religious background. Freedom of religion is also guaranteed by the Constitution which also proclaims the right of each person to full economic, intellectual and spiritual development. It further states that all communities comprising the nation of Niger shall enjoy the freedom of using their own languages while respecting those of others. The Constitution respects and protects all beliefs, and any propaganda of a regional, racist or ethnic character and any display of racial, ethnic, political or religious discrimination is punished under the Criminal Code.

406. It should be emphasized that no discriminatory practices based on race, ethnic group or religion have been reported in Niger.

Conclusion

407. In conclusion, attention is drawn to the following:

The clear determination of the State of Niger to implement the Convention on the Rights of the Child;

The existence of real difficulties hampering the Convention's implementation;

The obvious development of cooperation between the State and the international community, as well as with NGOs and other associations, with a view to implementing the Convention.

408. Niger's determination to implement the Convention is reflected in the adoption of various institutional, administrative and judicial measures. For example, Niger was one of the first countries to ratify, in 1990, the Convention, to establish a National Committee for the Survival, Protection and Development of Children and to prepare a national plan of action.

409. A Department for Child Protection and a "Survival of Children" Division were established respectively in the Ministry of Social Development, Population, the Promotion of Women and the Protection of Children, and in the Ministry of Public Health.

410. Niger has also taken steps to publicize the Convention by having it translated into four national languages and having the text disseminated through seminars, workshops, broadcasts and the media.

411. Lastly, work has begun on the task of bringing national laws and regulations into line with the provisions of the Convention, particularly as regards the definition of the child and civil rights and freedoms. This task was entrusted to the National Commission on the Reform of Civil and Criminal Legislation attached to the Ministry of Justice and Human Rights.

412. However, despite Niger's clear determination, the exercise of the various rights recognized in the Convention is encountering real difficulties in practice. An analysis of the situation in the country reveals that there is a considerable gap between theory and practice, particularly in key sectors such as education and health.

413. In matters of education, the State recognizes, through the Convention as well as on the basis of national legislation, that every child has the right to education without distinction as to sex, race or religion. In reality, however, not every child has access to education, and disparities between girls and boys and between urban and rural children who are poor and not poor are still apparent.

414. Moreover, access to health care for all children is still problematic. The maternal death rate remains unchanged and infant/juvenile mortality rates are not declining at the pace hoped for. A large number of children experience growth difficulties due to malnutrition, lack of access to drinking water, etc.

415. Fortunately Niger has, in accordance with the undertaking assumed under article 44 of the Convention, developed active cooperation not only with multilateral bodies but also with bilateral partners and NGOs and associations.

416. The sectoral policies adopted in matters of survival, development or protection reflect the State's determination to develop cooperation with a view to attaining the various objectives laid down in the national plan of action. Through these policies the State recognizes the existence of linkage between various rights and takes it into account in the preparation of programmes.

417. International agencies such as UNDP, UNICEF, UNESCO, WHO and ILO, as well as bilateral partners such as Belgium, France and Germany, are supporting Niger in the framework of the National Plan of Action for the Survival, Protection and Development of Children. The Government's efforts to develop a programme of cooperation with UNICEF based on children's rights for 2000-2004 should be supported.

418. International NGOs (such as HKI, CARITAS, CARE International and Aid and Action), as well as increasing numbers of national NGOs, are also working to ensure the survival, protection and development of children in Niger.

419. Various NGOs are extremely active in the field of protection, for example, and particularly in efforts to combat economic exploitation (sexual and other), sexually transmitted diseases and AIDS and child labour. They are also making efforts to bring about the social reintegration of street children, children in conflict with the law and children with drug problems. The National Workshop on the 20/20 Initiative and the recommendations made as a result of work on the financing of basic social services reflect this commitment.

420. If this trend continues, Niger's next periodic report will undoubtedly announce a quantitative and qualitative improvement in the situation of children in the country, particularly in the case of certain indicators such as the number of girls receiving schooling, health coverage, the population/doctor ratio and the maternal, infant and infant/juvenile mortality rates.

421. There will also be an improvement in the protection of children, particularly as a result of the establishment of juvenile courts, the extension of the judicial system, the reduction of drug use among minors and care for the sexual health of adolescents.

List of documents used

Treaties, instruments, laws and regulations

African Charter on the Rights and Welfare of the Child;

Labour Code of the Republic of the Niger;

Criminal Code of Niger;

Constitution of Niger of 12 May 1996;

ILO Minimum Wage Convention (No. 138);

ILO Worst Forms of Child Labour Convention, 1999 (No. 182);

Convention on the Rights of the Child;

Collection of laws and regulations of the Republic of the Niger, Ed. 1994.

National plans and policies

National Youth Charter;

Youth policy document;

Population policy document;

Educational policy document;

Sectoral health policy document;

Plan of operations of the Expanded Programme of Immunization (EPI), 1993-2000;

National health development plan, 1994-2000;

National and sectoral plans on child labour in Niger, March 1999;

National Plan of Action for the Survival, Protection and Development of Children;

Programme of action of the Ministry of Justice and Human Rights, May 1998;

Niger-UNICEF Cooperation Programme 1995-1999.

Other documents

Acts of the National Preparatory Symposium on the establishment of a juvenile court in Niger;

Analysis of the situation of children and women in Niger, preliminary version, 1998;

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Demographic and health survey in Niger, 1992;

Survey on the situation of child drug addicts in the Niamey urban community, September 1997;

Population and Development, Ed. February 1994;

Report on activities under the project "Action on behalf of Abandoned Minors in Niger" (AMIN);

Report on the activities of the Ministry of Social Development, Population, the Advancement of Women and Child Protection, 1997-1998;

Final report on child labour surveys in Niger, March 1999;

General report of the workshop on the preparation of the report on the implementation of the Convention on the Rights of the Child, held in Kollo from 13 to 15 December 1995;

Initial report: Kollo document;

Initial report: CCOG document.