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COMITTEE ON THE RIGHTS OF THE CHILD

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

Second periodic report of States parties due in 1997

NIGER

[19 November 2007]

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ACRONYMS AND ABBREVIATIONS

ANDDH:	Association nigérienne pour la défense des droits de l'homme (Niger Association for the Defence of Human Rights)
AFTEN:	Action en faveur de l'élimination du travail des enfants au Niger (Action for the Abolition of Child Labour in Niger)
COGES:	Comité de gestion des écoles (school management committee)
CONIPRAT:	Comité nigérien sur les pratiques traditionnelles (Niger Committee on Traditional Practices)
EDSN:	Enquête démographique et de santé au Niger (Niger demographic and health survey)
EIP:	École instrument de paix (School as an Instrument of Peace)
FAO:	Food and Agriculture Organization of the United Nations
ILO:	International Labour Office/International Labour Organization
INS:	Institut national de la statistique (National Institute of Statistics)
MEBA:	Ministère de l'éducation de base et de l'alphabétisation (Ministry of Basic Education and Literacy)
MICS:	Multiple indicator cluster survey
MDGs:	Millennium Development Goals
NGO:	Non-governmental organization
PARJ:	Programme d'appui aux reformes judiciaires (Judicial Reform Support Programme)
PDDE:	Programme décennal de développement de l'éducation (Ten-Year Educational Development Programme)
PEV:	Programme élargi de vaccination (Expanded Immunization Programme)
PRAHN:	Projet de réhabilitation des aveugles et autres handicapés du Niger (project for the rehabilitation of persons with visual and other disabilities in Niger)
ReNE:	Réseau nigérien pour l'enfance (Niger Network for Children)
RGP/H:	Recensement général de la population et de l'habitat (general population and housing census)
SEJUP:	Service éducatif, judiciaire et préventif (Educational, Judicial and Preventive Service)
UNDP:	United Nations Development Programme
UNFPA:	United Nations Population Fund
UNICEF:	United Nations Children's Fund
UPFN:	Union pour la promotion de la femme au Niger (Union for the Promotion of Women in Niger)
WHO:	World Health Organization

FOREWORD

One of my predecessors, when writing Niger's initial report on the implementation of the Convention on the Rights of the Child some five years ago, expressed the hope that the report would serve as a plea, generating a surge of solidarity and support for the exercise of the basic rights of the child in Niger.

I note with enthusiasm that, notwithstanding the many constraints that have hampered development in Niger, those hopes have been broadly realized.

Moreover, the Government has become even more determined to promote the rights of the child, as reflected in the revised Poverty Reduction Strategy Paper, one of whose strategic aims focuses on enhancement of human capital and equity.

It should be noted, however, from the outset that the project of building a more decent society for children in Niger is still far from complete.

In the light of these developments, it gives me great pleasure to write the foreword to this report, especially since, aside from the progress achieved in promoting children's rights, the repetition of this exercise provides the Government of Niger with an opportunity to reaffirm its constant willingness to engage in a dialogue aimed at ensuring that the duty of solidarity owed to children by society as a whole proves more effective.

A great deal of progress has undoubtedly been made in recent years in the promotion of the rights of the child.

This progress, which is borne out by the multiple indicator cluster survey (MICS) and the 2006 Niger demographic and health survey (EDSN/2006), bears eloquent witness to the State's commitment and the unstinting support extended by its partners, to whom I wish to express my deepest gratitude.

The present report assesses progress in terms of survival, protection, development and participation of the country's children.

It was prepared on the basis of a participatory approach, involving public institutions, civil society organizations and development partners, both in gathering information and in assessing its authenticity in the context of a workshop.

This interactive procedure not only facilitated the gathering of high-quality data but also helped to ensure the objectivity and relevance of the data.

As a result, this report will serve not only as a reference document but also as an incentive to broader mobilization aimed at further enhancement of our country's performance in this area.

It is my fervent hope that all stakeholders will take this report on board and participate effectively in translating it into practice in order to make Niger a country worthy of its children.

The Minister for the Advancement of Women
and the Protection of Children

(*Signed)* **Ms. Barry Bidata Gnandou**

INTRODUCTION

1. Niger ratified the Convention on the Rights of the Child ("the Convention") in 1990. Under article 44 of the Convention, States parties are required to submit to the Committee on the Rights of the Child ("the Committee") reports on the measures they have adopted which give effect to the rights recognized in the Convention. The report must be submitted:

(a) Within two years of the entry into force of the Convention for the State party concerned;

(b) Thereafter every five years.

2. In 2002 the Government of Niger submitted its initial report to the Committee on the Rights of the Child. On that occasion the Committee issued recommendations aimed at promoting greater respect for the rights of the child.

3. The present report, which combines the second, third and fourth reports, is designed to record progress achieved and difficulties encountered since the initial report. It was prepared in conformity with the general guidelines regarding the form and content of periodic reports adopted by the Committee on the Rights of the Child at its thirty-ninth session on 3 June 2005.

4. It is the outcome of a participatory process involving consultations with the various relevant partners (public authorities, development partners, non-governmental organizations, etc.) at the stage of information gathering and analysis, and at the stage of adoption of the resulting report.

5. This interactive approach was made possible by the cooperativeness displayed by the different partners at all stages of the process.

6. Although data concerning children in a number of areas were made available through the recent EDSN-MICS III survey (Niger demographic and health survey/multiple indicator cluster survey) and the general population and housing census (RGP/H, 2001), it should be noted that national data are still lacking in many other areas. To remedy this shortcoming, regional and even local data have been used in some cases.

7. In accordance with the above-mentioned guidelines, the present report is divided into two parts: the first presents and analyses general information on the national context, and the second contains specific information regarding each provision of the Convention.

I. GENERAL INFORMATION ON THE NATIONAL CONTEXT

8. This section reports on developments since the preceding report.

1.1. Demographic data

9. According to the 2001 general population and housing census (RGP/H, 2001), the population of Niger was 11,060,291 at that time, with an average annual growth rate of 3.3 per cent and a tendency for the population to double every 25 years. Based on projections made in 2005, the population of Niger is now estimated at 12,546,000 inhabitants (trend-based scenario).

10. The proportion of the population living in rural areas is 83.7 per cent. The current density for the country as a whole is 8.7 inhabitants per square kilometre. This density is unequally spread and varies from the south to the north of the country from 114.5 inhabitants per square kilometre in southern areas to 0.5 inhabitants per square kilometre in northern areas. According to RPG/H-2001, children under 15 years of age accounted at that time for 48.4 per cent of the population. They were estimated to account for 49 per cent in 2005.

11. With a view to improving the quality and volume of statistical data, the former National Department of Statistics was converted in the National Institute of Statistics (INS) by an Act of 30 March 2004. The Institute has the status of an administrative public establishment with legal personality and financial autonomy. The reform had the following results: (a) revitalization of the output of statistical data; (b) greater involvement of partners in supporting the production of statistical data; (c) coordination of the production of statistical data by means of an INS assessment of public data production structures.

1.2. Economic data

12. The economy of Niger is based predominantly on subsistence farming, mining (uranium) and the informal sector. The primary sector is heavily dependent on rural output, particularly rain-fed agriculture, which is vulnerable to the vagaries of the climate.

13. The farming sector employed about 59.1 per cent of the economically active population in 2005 (source: revised Poverty Reduction Strategy). According to economic data for recent years, the country has made considerable progress in implementing a wide range of reforms aimed at stimulating renewed economic growth after several years of recession. The Government's structural adjustment programme led to improvements in fiscal discipline, the management of public finances and the private-sector environment, and to an opening-up of the economy. Thus, an economic growth rate of 3.65 per cent was recorded for the period 2002-2005.

14. As a result of these efforts, Niger acceded to the Heavily Indebted Poor Countries Debt Initiative in April 2004 and was then able to devote a substantial proportion of the sums earmarked for repayment of its foreign debt to domestic investment, mainly in the social sectors.

15. The World Bank, the International Monetary Fund, the European Union and a number of industrialized countries are Niger's main development partners. National and international non-governmental organizations (NGOs) are very active in the country. Several agencies of the United Nations system are involved in areas of development assistance.

16. It should be noted that in 2002 the Government, after lengthy consultations with its partners, adopted the Poverty Reduction Strategy Paper (PRSP), which sets out a consistent economic and social development programme. As a result of its assessment of the Poverty Reduction Strategy, the Government made strenuous efforts to implement the measures it had identified, achieving considerable progress which must now be consolidated and enhanced.

17. The PRSP is currently being finalized. The 2007-2011 version, based primarily on the principle of building on progress and on the need to focus on attaining the Millennium Development Goals (MDGs), has identified three strategic thrusts: (a) income improvement; (b) improvement of human capital and equity; (c) promotion of an appropriate framework for the management of development.

18. In spite of all these measures taken in a variety of fields, access to basic social services is very limited and the human development index is very low. The 2005 Human Development Report ranks Niger 177th out of 177 countries in the human development index. The monetary poverty index has remained virtually unchanged (62.1 per cent in 2006, compared with 63.1 per cent in 1993).

19. Life expectancy is 46 years, while the infant mortality rate for infants under one year of age is 81 per thousand. The infant and child mortality rate stands at 198 per thousand.

1.3. Political system and situation

20. The end of the military regime in 1999 was marked by the holding of multi-party elections and a referendum on the new Constitution. The Constitution establishes a democratic multi-party political system and enshrines the principles of the rule of law, freedom of association, freedom of assembly, etc. The political regime, based on the separation of powers, is semi-presidential and comprises an executive branch, a legislative branch and a judiciary.

(a) The executive branch is two-headed, with a President of the Republic elected by universal suffrage for a five-year term of office, and a Prime Minister, who is the head of Government and responsible to the National Assembly, and who is appointed by the President on a proposal by the National Assembly. The Prime Minister directs the Government’s action on the basis of his general policy statement, which must be approved by the National Assembly. The Government determines and implements national policy. Concurrently with Parliament, it has authority to table legislation in the form of bills.

(b) The legislature is composed of a single-chamber Parliament known as the National Assembly. The Assembly is composed of members elected in their respective constituencies. In addition to enacting laws, the National Assembly oversees the Government’s action by means of the procedure of parliamentary questioning of ministers and by the tabling of votes of no confidence that can bring down the Government. It can also set up commissions to undertake investigations of government conduct. It also comprises a High Court of Justice with authority to try the President of the Republic for high treason and the members of the Government for serious crimes and other major offences committed in the exercise of or in connection with the exercise of their functions. Members of the Assembly can draft bills and table them in the National Assembly.

(c) The judiciary consists at present of the Constitutional Court, the Court of Cassation, the Conseil d'Etat (supreme administrative court), the Audit Court, and the courts and tribunals established pursuant to the legislation in force. Pending the establishment of the Court of Cassation, the Conseil d'Etat and the Audit Court, their responsibilities are currently being discharged by specialized divisions of the Supreme Court. The judiciary is organized on the basis of the principle of two-tier proceedings, so that a decision rendered by a lower court can be appealed to a higher court. The judiciary is independent of the executive and legislative branches. The country's judicial network has been designed with the basic aim of ensuring public access to justice. Justice is dispensed on behalf of the people, with strict respect for the rule of law and citizens' rights and freedoms.

21. A coalition of political parties assumed power after the elections held at the end of the 1999 period of transition from a military regime. The coalition was returned to power after the 2004 presidential and parliamentary elections, which ended the long period of political instability in Niger. It was the first time since 1990 that a parliamentary term had been completed in the country without interruption.

1.4. Administrative system

22. The Republic of Niger is a unitary State based on a central and territorial administrative system. The central administration is composed of ministries, offices, State-run public institutions and mission authorities such as high commissioners' offices. It also has subdivisions at the local level.

23. The territorial administrative system is organized on the basis of the principles of devolution and decentralization. Territorial authorities endowed with legal personality and financial autonomy and run by elected bodies are established by law on the basis of these principles. They are known as regions, departments and communes. The authorities responsible for running the communes were elected in 2004. Regional and departmental elections are still pending. The State is represented in each territorial body by an administrative authority, whose title is, depending on the status of the territorial body, the governor of a region, the prefect of a department, the sub-prefect or the chief officer of an administrative office. The representative of the State acts as the head of the decentralized bodies, overseeing the lawfulness of the decentralized authorities' actions and safeguarding the general interest.

24. Alongside the modern administration, the country's legislation recognizes the existence of traditional leaders, who form part of the administrative system. In hierarchical terms, they are subordinate to the devolved and decentralized administrative authorities. The traditional hierarchy is based on the following divisions, in descending order of importance: sultanates, provinces, cantons, districts, villages and tribes.

25. The traditional leaders are appointed by a special college established on a customary basis. The appointment is then endorsed by a decision of the administrative authority. They enjoy considerable authority, especially in the area of land management and the friendly settlement of disputes.

1.5. General legal framework for the protection of human rights

26. The Constitution of 9 August 1999 reaffirmed the commitment of the Republic of Niger to inter alia, human rights as set forth in the 1948 Universal Declaration of Human Rights. It also recognized not only the principle of primacy of international obligations over domestic law but also that of the separation of powers, which is an additional means of safeguarding human rights against any possible abuse.

27. Furthermore, a serious and established violation of human rights is one of the four cases[1] specifically enumerated in the Constitution in which the President of the Republic may be arraigned for high treason before the High Court of Justice.

28. In establishing mechanisms for the protection of human rights, the new Constitution recognized the judiciary as a separate branch of power, conferring on it the status of guardian of civil liberties. It also set up a National Commission on Human Rights and Fundamental Freedoms with the status of an independent administrative authority responsible, in particular, for ensuring respect for human rights by the different sectors of society and making recommendations to the authorities on how the situation might be improved.

29. The National Human Rights Directorate of the Ministry of Justice is responsible for ensuring better respect by the Government for human rights. The activities of these public bodies are supplemented by the action of numerous NGOs and national and international associations operating either separately or collectively through networks such as the Niger Network for Children (ReNE).

30. In addition, Niger has ratified:

- In 2000, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

- In 2003, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Optional Protocol on the sale of children, child prostitution and child pornography;

- In March 2004, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which allows individual victims of sex-based discrimination to file a complaint with the Committee on the Elimination of Discrimination against Women.

31. In domestic law, the amended Criminal Code approved by Act No. 2003-025 of 13 June 2003 introduced the following new criminal offences: female genital mutilation, slavery, sexual harassment, a new definition of rape, genocide, war crimes and crimes against humanity.

[1] The other three cases are: breach of oath, fraudulent transfer of part of the national territory, and introduction of hazardous waste into the national territory.

32. The general legal framework for the protection of human rights has proved less than effective in many cases. This is largely due to:

(a) Lack of familiarity with the legal framework on the part of the general public because of: (i) inadequate awareness-raising efforts; (ii) illiteracy and the complexity of the law;

(b) Judicial pluralism involving, in some areas, the coexistence of the State's legal norms with norms of customary law influenced by Islam. These different norms are applicable, for instance, to personal status matters and even in some cases to property matters. This situation makes it difficult to implement an effective legal system and leads to the instrumentalization of law;

(c) Lack of effective intervention capacity on the part of civil society organizations and State structures (courts, National Commission on Human Rights and Fundamental Freedoms, National Human Rights Directorate, etc.);

(d) The existence of extrajudicial dispute settlement bodies (religious or secular associations, traditional leaders, certain corporations) whose familiarity with human rights principles leaves a great deal to be desired;

(e) Maintenance of the reservations entered by Niger on accession to the Convention on the Elimination of All Forms of Discrimination against Women. These reservations deprive several provisions of the Convention of their substance and constitute an impediment to the promotion of gender equality in all fields;

(f) Inadequate coordination of the action taken;

(g) Failure to ratify the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women.

II. SPECIFIC INFORMATION REGARDING EACH PROVISION OF THE CONVENTION

2.1. General measures of implementation

2.1.1. Measures taken to bring national law and practice into conformity with the principles and provisions of the Convention

1. Follow-up measures

33. The recommendations made by the Committee on the Rights of the Child (CRC/C/15/Add.179) following the presentation of Niger's previous report (CRC/C/3/Add.29/Rev.1) were transmitted to the different ministries with a request for comments. The ministries were also asked to designate focal points for the implementation of the recommendations and for follow-up at their level.

34. The mandate of the National Commission on the Reform of Criminal, Civil and Commercial Legislation was extended by Decree No. 0079/MJ/GS/MCRP of 11 November 2003. It was involved in drafting the Children's Code.

35. The juvenile courts established by Order No. 99-11 of 14 May 1999 are now operating throughout the national territory. A central minor protection squad or minors brigade has been established within the national police force.

36. Furthermore, Niger is a party to the Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa, signed in Abidjan on 27 July 2005. With a view to implementing the Agreement, a National Commission for Oversight and Coordination of the National Plan of Action to Combat Child Trafficking was set up in the Ministry for the Advancement of Women and Protection of Children by Decree No. 10/MPF/PE of 26 May 2006.

37. The Government is currently drafting a bill on human trafficking.

38. Act No. 2003-05 of 13 June 2003 amending the Criminal Code introduced new offences and stiffer penalties for existing offences with a view to enhancing child protection. Among the new offences, mention may be made of:

(a) Genocide, which is defined in article 208-1 of the Criminal Code as involving, inter alia: (i) the forced transfer of children; (ii) measures intended to prevent births;

(b) Female genital mutilation, an offence defined in articles 232-1 to 232-3 of the Criminal Code;

(c) The crime of slavery, one of the definitions of which, according to article 270-1 of the Criminal Code, is: "any institution or practice by virtue of which a minor under 18 years of age is handed over, by his or her parents, guardian, supervisor, or the supervisor of one or both of his or her parents, to a third party, with or without payment, with a view to exploitation of the person or labour of the said minor";

(d) The crime of slavery, which consists, according to article 270-3 of the Criminal Code, inter alia, in “the abduction of ostensible child slaves with a view to placing them in servitude”.

39. With regard to the stiffer penalties for offences that already existed, mention may be made of:

(a) Abortion performed on a minor under 16 years of age (art. 295, para. 2, of the Criminal Code);

(b) Employment of persons under 18 years of age in an establishment selling drinks for consumption on the premises (art. 304 of the Criminal Code). As previously worded, article 304 prohibited only the employment of women under 18 years of age, except those belonging to the family of the owner of the licensed premises. The new wording covers the employment of anybody under 18, regardless of his or her sex or connection with the owner;

(c) Theft of livestock preceded or followed by the abduction of children (art. 324, para. 2, of the Criminal Code).

40. In addition, initiatives aimed at capacity-building in the area of awareness of children’s rights and project development are implemented each year on behalf of all actors capable of enhancing the protection of children, with funding, inter alia, from the United Nations Children’s Fund (UNICEF). These awareness-raising activities were boosted in 2005 by means of the production and distribution of 1,000 booklets on the rights of the child, a CD-ROM on the Criminal Code, 300 copies of “A World Fit for Children”, the design and display of 16 billboards on the prevention of HIV/AIDS, the production and broadcasting on 60 community radio stations of radio clips promoting awareness of the campaign against early marriage, and the production and broadcasting on national radio and television of clips promoting awareness of child trafficking.

41. With a view to bringing existing legislation and customary law into full conformity with the Convention, a Children’s Code has been drafted with funding from the NGO Plan-Niger and UNICEF. It was adopted at a national workshop held in 2005.

42. A new National Plan of Action for the Survival, Protection and Development of Children, covering the period 2006-2010, was drawn up with UNICEF funding. The Plan is based in large measure on the Convention and adopts a rights-based approach.

43. The process of drafting a general family code or Personal Status Code launched in 2000 under the supervision of the Directorate for the Advancement of Women with support from the World Bank, the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP) and UNICEF, gave rise to a number of thematic studies, in particular: (a) the study on the legal status of women and the law in Niger; (b) the national survey on the preferences of the people of Niger in terms of personal status; (c) the study aimed at identifying laws that breach the Convention on the Elimination of All Forms of Discrimination against Women with a view to their amendment; (d) the study aimed at formulating a national gender policy. In addition, a symposium on family law in Niger was organized in 2005 by the Faculty of Economic and Legal Sciences of the

University of Niamey with support from Danish Cooperation and the Danish Institute for Human Rights.

44. With a view to facilitating the compilation of disaggregated statistical data for all areas covered by the Convention and the monitoring and assessment of progress achieved, a statistics department was established in 2005 in the Ministry for the Advancement of Women and Protection of Children. Joint data gathering missions are regularly organized by the Ministry in collaboration with UNICEF and other stakeholders.

2. Measures of implementation

45. It is expected that the process of drafting the Personal Status Code will be completed in due course thanks to the launching in 2006 of activities under a project to enhance gender equity funded by the African Development Bank (ADB).

46. By way of a contribution to the process of drafting the Personal Status Code, a women's association (UPFN) submitted a preliminary draft law on marriage and divorce to the Government in 2005. With a view to ensuring the success of the process, the Government has opted for a participatory approach based on the involvement of all actors concerned, including those who had expressed reservations at one point.

47. A framework for coordination in the area of juvenile justice involving the Ministry for the Advancement of Women and Protection of Children, the Ministry for the Police and the Ministry of Justice was established to provide more effective support for children in difficulty. The goal of greater synergy among ministries in the area of child protection has been pursued through the establishment of focal points in each ministry and the launching in November 2006 of a study aimed at revitalizing the National Committee for the Survival, Protection and Development of Children.

48. A central minor protection squad or minors brigade has just been established within the police force. Regional subdivisions of the squad have also been established and the process of appointing police officers to run the subdivisions is currently under way.

49. Furthermore, a study of judicial good practices relating to protection of the rights of women and children, the findings of which have just been adopted, was undertaken by the Syndicat Autonome des Magistrats du Niger (Independent Association of Judges of Niger – SAMAN) with support from UNICEF.

3. Statistical data

Table No. 1: Number and type of personnel trained in the Convention and topics covered by the training courses

Type of personnel	*Number*	*Topics covered by training courses*
Students at military and police colleges	860	Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children
Teachers	393	Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children
Community and religious leaders	346	(i) Action against stigmatization and discrimination; (ii) Registration of children at birth; (iii) Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence, and good nutritional practices; (iv) Child trafficking
Soldiers	2,572	The rights of the child before, during and after armed conflicts
Young people	92	Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children
Judges and police officers	80	Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children
Police inspectors	282	Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, violence against women and children
Local councillors	684	Action against stigmatization and discrimination, registration of children at birth, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, and violence
Community radio presenters	52	Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child
Members of the good conduct brigades	40	Child trafficking

Source: DPE.

50. In 2005 a total of 13,082 persons (2,800 women, 6,782 men and 3,500 young people) attended awareness courses on immunization, early marriage, education for girls, registration of births, child trafficking and human trafficking, the fight against HIV/AIDS and malaria.

4. Difficulties encountered

51. Notwithstanding the action taken by the State with the support of its partners to implement the provisions of the Convention, a number of general obstacles were encountered, including the following:

(a) The fact that the legislation, especially in the area of personal status, continues to recognize judicial pluralism by applying custom and the law respectively to persons who opt for, on the one hand, customary status and, on the other, legal status. The latter comprises all laws and regulations in force based on the Constitution and international treaties, while custom is derived, in principle, from traditional practice-based oral rules which have become compulsory by dint of repetition. On some points, these customary rules are heavily influenced or even replaced by Islamic law, to such a degree that there is confusion in practice between the latter and custom. The implementation of judicial pluralism leads to a conflict of laws. There is a problem of acceptance of State law in Niger, especially in the area of personal status, since it is perceived by a large part of the population as foreign law. The fact is that most of Niger's inhabitants live in rural areas and are strongly committed to the traditional system of social organization in which the individual identifies with a group. This clash between State law and traditional law impedes the establishment of an effective legal order capable of promoting effective compliance with the provisions of international and national legal instruments aimed at protecting children. Moreover, in practice it leads to the selective application of provisions of the Convention inasmuch as each constituent of the social entity invokes, depending on the circumstances, whichever rules suit it;

(b) Inadequate collaboration and communication between ministries: issues pertaining to the rights of children are cross-cutting. It follows that several ministries must be involved in addressing them. It is clear, however, from the way in which ministries currently operate that exchanges of information and collaboration are not widespread practices in Niger. This shortcoming is also discernible in relations between the ministries and civil society organizations;

(c) The gap between the resources of the Ministry for the Advancement of Women and Protection of Children and its responsibilities. It is clear from an examination of the Ministry's human, material and financial resources that they are not sufficient to carry out the tasks entrusted to it. The Ministry's budget accounts for just over 0.02 per cent of the overall State budget. Its staff is also highly inadequate in numerical terms and capacity-building is required in several areas. This situation engenders a lack of capacity to coordinate and stimulate activities aimed at implementing the provisions of the Convention;

(d) The National Commission on the Reform of Criminal, Civil and Commercial Legislation has been unable to cover all aspects of the rights of the child owing to a lack of the requisite capacity;

(e) Inadequate specialization on the part of juvenile judges has prevented such judges from making a significant contribution to the harmonization of domestic legal provisions with those of the Convention.

52. Specifically, the harmonization of domestic law with the provisions of the Convention has not yet been achieved in all relevant areas. The Children's Code, which was intended to put an end to judicial pluralism in the area of children's rights and extend the scope of incorporation of the Convention in domestic law, is still at the drafting stage.

53. The effectiveness of the juvenile courts is limited by the lack of synergy between the different stakeholders, especially at the central level, the lack of minors brigades in most police and gendarmerie squads, the shortage of specialized education workers and placement centres, and the inadequate capacity of the police force and gendarmerie when it comes to listening to minors and, in general, familiarizing themselves with the legislation and procedures applicable to minors.

2.1.2. Total resources available and the percentage allocated to programmes on behalf of children

54. The State's investment expenditure for 2006, for instance, amounted to 216,250,000,000 CFA francs. Investment in programmes and projects for children (child health, education and protection) accounted for 34,304,289,000 CFA francs, or 15.86 per cent, of total State investment spending for the year. The following is a breakdown of the expenditure:

Table No. 2: Programmes and projects for children in the area of education

Title of the programme/project	*Cost (CFA francs)*
Basic education support programme	573,000,000
Franco-Arabic educational support project III	624,000,000
Education project I	368,873,000
Project in support of the development of basic education	3,357,000,000
Basic education support project	2,906,688,000
Project in support of the upgrading of school equipment and infrastructure	350,000,000
Franco-Arabic educational support project IV	2,546,066,000
Project for the enhancement of basic education	3,073,201,000
Project to promote school hygiene and sanitation	553,766,000
Schools for all	686,115,000
Educational infrastructure programme	2,000,000,000
Compilation of statistical data	74,000,000
School equipment programme	744,000,000
Building and equipment of primary classrooms	2,349,841,000
Project in support of the education sector (Urban Community of Niamey and Hamdallaye)	1,007,000,000
Programme to build 450 primary classrooms	360,000,000
Edusida (AIDS education)	77,000, 000

Source: Act No. 2005-26 of 15 November 2005 concerning the Finance Act for 2006.

Table No. 3: Health programmes and projects for children[a]

Title of the programme/project	*Cost (CFA francs)*
Equipment programme for basic health facilities	282,423,000
Afrodoc budget WHO-country	1,896,890,000
Healthcare quality improvement project	3,850,000,000
Project in support of transfusion safety	247,783,000
Construction of the anti-cancer centre	234,984,000
Construction and equipment of the nutritional recovery centre	3,759,746,000
Healthcare Development Plan	1,450,000,000

a These programmes and projects provide for general healthcare and are not confined to children.

Source: Act No. 2005-26 of 15 November 2005 concerning the Finance Act for 2006.

Table No. 4: Programmes and projects for children in the area of child protection

Title of the programme/project	*Cost (CFA francs)*
Gender equity project	931,913,000

Source: Act No. 2005-26 of 15 November 2005 concerning the Finance Act for 2006.

55. These resources are supplemented by funds allocated under the budget to the local authorities, who use the funds to promote the rights of the child and to counter any abuses suffered by children.

2.1.3. Legislative measures most conducive to realization of the rights of the child set out in the Convention

56. The first such measure consisted in keeping a Ministry responsible for the protection of children within the Cabinet. Moreover, the mandate of the Ministry was redefined by Decree No. 2004-404 of 30 December 2004 concerning the composition of the Government. As a result of the redefinition, the purpose of which was to enhance the effectiveness of action for the advancement of women and the protection of children, the Ministry of Social Development, Population, Advancement of Women and Protection of Children was replaced by a Ministry for the Advancement of Women and Protection of Children.

57. The second measure concerns the drafting of a Children's Code aimed at: (a) completing the harmonization of national legislation with international treaties on the rights of the child ratified by Niger; (b) ensuring the effective implementation of the principles laid down in international treaties on the rights of the child; (c) remedying legal lacunae with a view to putting an end to judicial pluralism and addressing special circumstances such as traditional practices that are harmful to children; (d) providing better protection for children under both civil and criminal law; (e) promoting the rights of the child in general.

58. Legislative measures aimed at facilitating access to healthcare for women and children have been adopted. The principal measures are: Decree No. 079/MSP/LCE of 26 April 2006 providing for free prenatal care and care for children under five years of age; Decree No. 316/PRN/MSP/LCE of 11 November 2005 providing for free caesarean sections; and Decree No. 65/MSP/LCE/DGSP/DPHL/MT of 7 April 2006 providing for free distribution of contraceptives and condoms.

2.1.4. Available remedies and their accessibility to children

59. Children, just like other citizens, are entitled to file complaints with the civil, administrative or criminal courts when their rights are violated. In civil matters, the remedy consists in ordering the perpetrator of the violations to pay compensation. An administrative complaint can lead, alternatively or cumulatively, to the annulment of the administrative decision (decree, order, circular) taken in violation of the rights of the child, or compensation of the child for the consequences of an administrative decision taken in violation of his or her rights.

60. When violations of the rights of the child constitute criminal offences, the criminal courts sentence the perpetrators to terms of imprisonment and/or fines.

61. Remedial action by children is facilitated in some cases by support in the form of description and listening services and assistance in the event of legal proceedings from NGOs, local committees, vigilance committees, good conduct brigades, Educational, Judicial and Preventive Service (SEJUP) brigades and minors brigades.

2.1.5. The existence of an independent human rights institution

62. The National Commission on Human Rights and Fundamental Freedoms provided for in the Constitution was established in 2000 and has the status of an independent administrative authority. It is composed of representatives of the State, human rights associations, women's associations, traditional leaders, public-sector and private-sector media, religious denominations, the Bar Association, etc. They are appointed by the organizations they represent.

63. The National Commission on Human Rights and Fundamental Freedoms is responsible for protecting and promoting human rights and investigating cases of human rights violations. A complaint may be filed with the Commission by any person who is a victim of human rights violations unless the same facts have already been referred to the courts. In the latter case, the Commission can enquire about the action taken by the courts.

64. The National Commission on Human Rights and Fundamental Freedoms obtains most of its financial resources from the national budget. In 2006 the Commission's investment budget amounted to 13,450,000 CFA francs. However, it also receives financial support from development partners.

65. The National Commission on Human Rights and Fundamental Freedoms has a Department for the Promotion of the Rights of Women and Children, which receives complaints regarding violations of the rights of the child, and which prepares the part of the national annual report on the status of human rights and fundamental freedoms concerning the rights of the child.

66. The financial resources available to the National Commission on Human Rights and Fundamental Freedoms are not sufficient to enable it to discharge its mandate. The lack of any local or regional offices makes it difficult for people living outside the capital city to contact the Commission. It also constitutes an impediment to effective monitoring of the human rights situation throughout the national territory.

67. The National Commission on Human Rights and Fundamental Freedoms plans to establish regional and local subdivisions shortly under Decree No. 1999/530/PCRN/MJDH of 21 December 1999.

2.1.6. Mechanisms or programmes for coordinating action on behalf of children

1. Measures of implementation

68. The National Committee for the Survival, Protection and Development of Children, established in 1991 with a view to coordinating action on behalf of children, has been maintained together with its regional subdivisions. A study aimed at revitalization of the Committee is planned with UNICEF funding.

69. A new National Plan of Action for the Survival, Protection and Development of Children has been drawn up for the period 2006-2010. The objectives of the Plan, which focuses on children's rights, are:

- To promote and ensure healthy living conditions for children;
- To ensure access for children to high-quality education and healthcare;
- To protect them from all kinds of ill-treatment and exploitation.

70. It has a budget of 3,936,500,000 CFA francs. The State is expected to cover 10 per cent of this budget. It is anticipated that the remaining 90 per cent will be covered by support from beneficiaries (5 per cent) and from international partners (85 per cent).

71. A draft framework document setting out a national integrated development policy for early childhood (DIJE) was prepared and adopted in December 2005. Unlike the Plan of Action for the Survival, Protection and Development of Children, which covers the whole period of childhood in sectors regarded as having high priority, the early childhood document focuses on children under 8 years of age. It may be said to adopt a holistic approach inasmuch as it deals with all factors that may contribute to the child's development.

72. The United Nations framework plan for development assistance for the period 2004-2007 has the following goals:

- School enrolment of 57 per cent of children in general and of 52 per cent of girls in the basic education sector in 2007
- Reduction of infant mortality to 82 per thousand and of the infant and child mortality rate to 180 per thousand in 2007

- Improvement of reproductive health and reduction of maternal mortality to 450 per 100,000 live births in 2007

- Reversal of the HIV/AIDS seroprevalence trend by 2007

- An increase in household sanitation coverage to 50 per cent and in household access to drinking water to 65 per cent in 2007

73. The provisional budget for the plan is US $ 521,768,200.

2. Shortcomings noted

74. The Plan of Action for the Survival, Development and Protection of Children and the national integrated development policy for early childhood (DIJE) have not yet been adopted by the Government. As a result, the Department for Child Protection has been operating on the basis of annual action plans prepared in the light of proposals from its different sections, focusing on aspects for which external funding is available, especially from UNICEF. This obviously creates problems when it comes to coordinating the Department's activities. Moreover, the lack of an overall planning framework means that the Ministry for the Advancement of Women and Protection of Children cannot coordinate the activities in this area undertaken by different actors (NGOs, ministries, external partners). The resulting dispersal of activities undermines the effectiveness of the action taken.

2.1.7. Measures taken to promote awareness of the provisions of the Convention

75. The Convention is continually publicized by a number of different actors. For instance, the training modules were revised in 2003, the pool of trainers was reconstituted and more appropriate teaching aids were developed. Several training courses on the Convention were organized by, inter alia, the Department for Child Protection and NGOs belonging to the Niger Network for Children (ReNE) on behalf of strategic target groups, such as teachers, religious leaders, traditional leaders, women's groups and NGOs.

76. Members of the Government and Parliament have received training in the content of the Convention and the country's main international obligations in respect of children. These activities led to ratification of the Optional Protocols to the Convention and adoption of the draft revised Criminal Code containing a number of provisions criminalizing violations of children's rights.

77. Other training courses on topics related to the Convention were organized by the Department for Child Protection in partnership with civil society organizations. The courses were attended by police officers, soldiers, staff of the Ministry of Public Service and judges. They dealt respectively with the procedure to be followed before juvenile courts, respect for the rights of the child in peacekeeping situations, action against child labour, and the situation of minors in conflict with the law.

78. In the context of action to combat human trafficking, especially trafficking in women and children, several training courses were organized in December 2005 and April 2006 for officers of the defence and security forces.

79. Other training courses on the same subject were organized in September and October 2006 for local councillors, traditional leaders, religious leaders, transporters, journalists and human rights activists. During the courses concerning action to combat human trafficking, training modules on the provisions of the Convention and its Optional Protocols were presented to the participants from all regions of the country.

80. Activities undertaken by the public authorities and civil society organizations with a view to publicizing the Convention were unquestionably successful in promoting awareness of its provisions. In 2004, the Niger Association for the Defence of Human rights (ANDDH) developed and published a manual on human rights teaching in schools. In addition, the NGO Kulawar-yara developed and disseminated a manual with pictures illustrating the provisions of the Convention.

81. It must be admitted, however, that these awareness-raising activities are still inadequate. The different sectors of society are not yet fully aware of the provisions of the Convention.

82. The information sessions and training courses held on the Convention brought to light certain reservations among the general public regarding some provisions of the international legal instrument. The reservations are related to the strong influence of sociocultural factors and stem mainly from the fact that the Convention refers only to children's rights and makes no mention of their duties.

83. These reservations are due to the methodology used at the various information sessions and training courses. As a rule, the rights of the child as set out in the Convention were described without first identifying the child's needs at different stages of his or her development, using a participatory approach. If such an approach had been adopted, the participants would have realized that children's rights, as set out in the Convention, simply reflect their needs, which are the same in all civilizations.

84. The persistence of judicial pluralism, especially in family relations, and the impoverished circumstances of the population are a further impediment to acceptance of the provisions of the Convention.

2.1.8. Measures taken to ensure wide dissemination of the initial report

85. Once adopted, the initial report was disseminated in 2000 in key locations around the country by joint missions composed of representatives of several different ministries.

86. The missions that disseminated the initial report were confined to key locations, in other words to urban areas. Owing to a lack of resources, they did not visit rural areas, although child protection is a particularly urgent issue in those areas. The electronic media were not used either in disseminating the initial report.

2.1.9. Cooperation with civil society organizations representing children and young people

87. State institutions responsible for child protection work closely with civil society organizations, particularly NGOs, on various issues relating to implementation of the Convention. At the institutional level, the partnership is reflected in NGO involvement in

running various committees established to deal with certain aspects of the Convention. They include the National Committee for the Survival, Protection and Development of Children, National Commission for Oversight and Coordination of the National Plan of Action to Combat Child Trafficking, and the National Commission on Human Rights and Fundamental Freedoms.

88. The partnership between the State and NGOs also takes the form of technical, financial or material support extended by the latter to the former. Mention may be made in this connection of: (a) provision of information technology to the National Civil Status Directorate by the NGO Plan-Niger, which also supported the establishment of subsidiary civil status centres in the Dosso and Tillabéry regions; (b) NGO training courses for various actors on aspects of the Convention; for instance, courses on action against trafficking have been organized on behalf of local councillors, traditional leaders, ulama (religious leaders), and the defence and security forces by ANDDH in partnership with the Ministry for the Advancement of Women and Protection of Children; (c) the establishment of two reception and transit centres for victims of child trafficking by the NGO Action for the Abolition of Child Labour in Niger (AFTEN); and (d) the establishment of a reception and transit centre at Makalondi by the NGO School Sponsorship and Development Actions (EPAD) in 2007.

89. The recommendations issued by the Committee on the Rights of the Child following the submission of the previous report were circulated to the Niger Network for Children (ReNE).

90. Furthermore, the present report is the outcome of a participatory approach involving, in particular, consultations with NGOs at the information-gathering stage and also at the workshop held to adopt the draft report, an event to which NGOs and other groups representing young people were invited so that they could present their comments.

91. To encourage school enrolment of girls, especially in the Maradi and Zinder regions, a partnership involving the association of traditional leaders, the Government and UNICEF was established. As a result of the activities undertaken by this partnership, a significant improvement in the enrolment ratio of girls in those regions was recorded.

92. Several associations and NGOs have organized training sessions on the rights of the child for traditional and religious leaders.

2.2. Definition of the child

1. Follow-up measures

93. The mandate of the National Commission on the Reform of Criminal, Civil and Commercial Legislation was extended. It has been involved in drafting the Children's Code.

2. Measures of implementation

94. The drafting of the Children's Code and the resumption of work on the draft Personal Status Code constitute important stages in the process of both eliminating judicial pluralism and standardizing the concept of majority and of the marriageable age for boys and girls. The draft Children's Code defines the child as any person under 18 years of age.

95. The rereading of the study on the legal status of women and the law in Niger in 2003 by traditional and religious leaders produced a consensus in favour of 18 years as the marriageable age for girls and boys.

96. With regard to the definition of the child in Niger, diverse positions are currently reflected in the country's law. In customary law, for instance, the age of majority is a totally unknown concept; children only become independent from their parents after their first marriage.

97. State or modern law, on the other hand, recognizes the concept of majority, but the ages set for the attainment of majority vary according to the area under consideration. Thus, while the age of civil majority is 21 for both sexes under the Civil Code, the age of criminal majority and electoral majority is 18 for girls and boys.

98. Although the age of civil majority is 21, a minor may attain majority artificially by means of emancipation. This occurs automatically when the minor marries, by a judicial decision at the request of the father or mother, provided that the minor is at least 15 years of age. For persons with legal status, the Civil Code sets the marriageable age at 18 for men and 15 for women. For persons with customary status, on the other hand, the marriageable age is 14 for girls and 16 for boys pursuant to the Decree of 13 July 1939.

99. All in all, childhood is an ambivalent concept in the law of Niger and its content varies according to the subject under consideration.

100. The goal of harmonizing the rules governing child labour with the duration of compulsory education has not yet been achieved.

3. Budget appropriation

101. A sum of 48 million CFA francs has been earmarked under the National Plan of Action for the Survival, Development and Protection of Children for the drafting and dissemination of the Children's Code.

4. Statistical data

102. There are 6,246,323 children under 18 years of age. Their distribution by age group is shown in the following table.

Table No. 5: Distribution by age group of children under 18

Age	*Boys*	*Girls*	*Total*
0-4	1,176,053	1,136,966	2,313,019
5-9	920,830	865,788	1,786,618
12-14	600,216	558,785	1,159,001
15	149,557	167,724	317,081
16	77,827	88,737	166,564
17	116,279	142,602	258,881
18	109,841	135,318	245,159
Total	**3,150,603**	**3,095,720**	**6,246,323**

Source: 2001 general population and housing census (RGP/H-2001).

5. Difficulties encountered

103. Some Muslim associations are opposed to the inclusion in the draft Children's Code of certain provisions based in letter and in spirit on the Convention, for instance the provisions aimed at eliminating discrimination between legitimate children and children born out of wedlock in matters pertaining to inheritance.

2.3. General principles

2.3.1. Non-discrimination (art. 2)

1. Follow-up measures

104. The Government of Niger formulated a national integrated policy for early childhood in December 2005 and a National Plan of Action for the Survival, Protection and Development of Children for the period 2006-2010 in July 2006. These policy documents and strategies refer to the principle of non-discrimination and focus on countering not only discrimination to which children may be subjected but also possible discrimination between children.

105. The Ten-Year Educational Development Programme (PDDE) drawn up in 2002 is also based on this principle. Reflecting the projections for education set out in the Millennium Development Goals, the Programme establishes the country's enrolment objectives for a ten-year period.

106. In the context of action to implement the Ten-Year Programme, a Directorate for Promotion of the School Enrolment and Training of Girls (DPSFF) was established to put into practice the State's commitment to place education for girls and boys on an equal footing.

107. In addition, the Special Programme of the President of the Republic places particular emphasis on the enrolment of girls.

2. Measures of implementation

108. Article 8 of the Constitution of 9 August 1999 reaffirmed Niger's commitment to the principle of equality of its citizens and its corollary of non-discrimination. In view of the primacy of the Constitution, laws and regulations must comply with its provisions on pain of annulment by the Constitutional Court and the Supreme Court (Administrative Division) respectively.

109. The conditions conducive to compliance with the constitutional principle of non-discrimination were indirectly strengthened by the constitutional review process in 2004. For instance, as a result of the review, the administrative legal system was clearly separated from the ordinary legal system by the establishment of the Conseil d'Etat (supreme administrative court) and other administrative courts. This development, which enhances public access to administrative justice, will ensure more effective control over the content of administrative decisions, thereby guaranteeing their conformity with the principle of non-discrimination.

110. Under the aegis of the Directorate for Promotion of the School Enrolment and Training of Girls, many initiatives have been launched with a view to promoting education for girls. Special mention may be made of the following:

(a) Conduct of a study in 2004 aimed at eliminating sexist stereotypes in curricula;

(b) Organization of awareness-raising campaigns since 2004 in the regions of Niger that are most strongly opposed to the enrolment of girls. Within these regions, departments recording the lowest ratios of girl enrolment were identified as focal areas for action to reverse the trend. The awareness-raising campaigns relied on the support of advocacy tools and strategic partners such as focal points, traditional leaders, religious leaders, associations of pupils' parents and associations of mother educators;

(c) Ways of revitalizing the legal framework that ensures protection for girls against the abduction of minors are being explored. The aim of this initiative is to win parents' trust in order to persuade them to send their daughters to school;

(d) Since the 2003 academic year, excellence prizes have been awarded to girls achieving the best results in the sixth grade entrance examination and in the certificate awarded on completion of the first cycle of secondary education;

(e) Training courses have been held in gender approaches, in teaching of negotiation skills, and in information, education and communication (IEC);

(f) Local action plans for the enrolment of girls have also been launched. The plans are funded by subsidies from the State and its development partners;

(g) The establishment of "associations of mother educators" in every school. The association is composed of mothers of schoolchildren and anybody else with an interest in the enrolment of girls.

3. Statistical data

111. The educational initiatives aimed at promoting the enrolment of girls have led to a gradual improvement in enrolment ratios, as shown in the following table:

Table No. 6: Trend in the enrolment ratio for girls in primary education

Gross enrolment ratio	*2000-2001*	*2001-2002*	*2002-2003*	*2003-2004*	*2004-2005*	*2005-2006*
Total	37	42	45	50	52	54
Boys	45	50	54	60	62	63
Girls	30	33	37	40	43	44

*Source***:** DSI/MEBA, Basic education statistics for 2005-2006, August 2006.

4. Difficulties encountered

112. The enshrinement of the principle of non-discrimination in the Constitution of Niger has not yet given rise to much subsidiary legislation, especially legislation organizing family relations. The shortcomings that have been identified are described below.

(a) The different rights enjoyed by children depending on whether they are legitimate, simply born out of wedlock, or born of an incestuous or adulterous relationship

113. The Civil Code of Niger provides for discrimination between children on the basis of the civil status of their parents at the time of their birth. This discrimination is reflected in the distinction between legitimate children, children simply born out of wedlock, children born of an adulterous relationship and children born of an incestuous relationship. Legitimate children are those born of parents united by the bonds of marriage. Children simply born out of wedlock are those born of a relationship between a single man and a single woman. Children born of an adulterous relationship are those born of a relationship between a woman and a man, at least one of whom is bound by marriage bonds to another person. Children born of an incestuous relationship are those born of persons between whom an impediment to marriage exists.

114. Children who are simply born out of wedlock may be recognized by both of their parents or by just one of them. Recognition of children born of an incestuous relationship is not possible. On the other hand, children born of an adulterous relationship may be recognized if their mother and father subsequently marry. Recognition must then occur at the time of solemnization of the marriage.

(b) Different treatment of children in matters pertaining to inheritance

115. Pursuant to article 756 of the Civil Code, children born out of wedlock have no right to succeed to the estate of their deceased father or mother unless they have been legally recognized.

116. Even when they have been recognized, children born out of wedlock have no title to the property of their grandparents, i.e. the parents of their father or mother. However, children born out of wedlock who have been recognized have a right to succeed to the estate of their father and mother or to that of the parent who recognized them. Yet this right is far less than that enjoyed by legitimate children. The hereditary rights of children born out of wedlock may be described as follows:

(a) If the father or mother has legitimate descendants, the hereditary right is equivalent to half the share of the estate that the child would have received if he or she was legitimate;

(b) If the father or mother has no descendants but has ascendants or brothers or sisters, or legitimate ascendants of the brothers or sisters, the hereditary right is equivalent to three quarters;

(c) If the father or mother has no descendants, ascendants, brothers or sisters, and no legitimate ascendants of brothers or sisters, the child born out of wedlock has a right to succeed to the entire estate.

117. Children born of adulterous or incestuous relationships have no legal right to succeed to the estate of their parents. They are only entitled to claim maintenance, the amount of which is determined in the light of the capacity of the father and mother, i.e. their means, and of the number and status of the legitimate heirs.

118. The law of Niger, by maintaining the distinction between legitimate children, children simply born out of wedlock, children born of an adulterous relationship and children born of an incestuous relationship, and by maintaining different treatment for these categories of children, perpetuates discrimination between children on the ground of the civil status of their parents at the time of their birth.

(c) Differences in the treatment of children in terms of voluntary disposition of property

119. Voluntary disposition of property is a form of transfer that occurs either during the lifetime of the donor or upon his or her death. There are two categories of voluntary disposition:

- Donation *inter vivos*, which is a contract agreed between the donor and the donee;
- Last will and testament, which is a voluntary disposition of property upon death.

120. Differences in treatment between children who are legitimate and those who are not in matters relating to the voluntary disposition of property depend on the incapacity to alienate property gratuitously.

121. With regard to such incapacity, it may be noted that the parents of children born of adulterous or incestuous relationships cannot transfer property to them by way of donation or in a will. As already mentioned, such children are entitled only to maintenance. Legally recognized children born out of wedlock may receive donations *inter vivos* only to the extent of their entitlement by way of succession.

2.3.2. The best interests of the child (art. 3)

1. Measures of implementation

122. The best interests of the child are reflected to a large extent in the decisions taken by public authorities (the State and its subdivisions) at both the individual and collective level. They are embodied, in particular, in policies and strategies such as the national integrated development policy for early childhood, the National Plan for the Survival, Protection and Development of Children and the Healthcare Development Plan. These policy and strategy documents are inspired by adults' duty of solidarity vis-à-vis children or, more specifically, by the duty to act in the best interests of the child. Mention should also be made of the adoption by the judiciary in March 2007 of an inventory of good practices conducive to the protection of children's rights before the courts. The inventory gave rise to a number of publications designed to facilitate the implementation of the good practices identified.

2. Difficulties encountered

123. The principle of the best interests of the child is often seriously undermined by the application of customary law in matters relating to the custody of the child after divorce. This is

due to the persistence of customs according to which children under the age of seven must be entrusted to their mother's care, following which they can be taken back by the father.

2.3.3. The right to life, survival and development (art. 6)

1. Follow-up measures

124. The process of revitalization of the National Committee for the Survival, Protection and Development of Children is under way. A study in support of the process is currently being launched. A plan of action to counter malnutrition has also been adopted. The "nutrition" division of the Ministry of Health is being converted into a national directorate.

2. Measures of implementation

125. The constitutional provisions protecting the right to life in general were incorporated in article 11 of the new Constitution.

126. There is no record of the death of any person under 18 years of age due to extrajudicial, summary or arbitrary execution.

127. Pursuant to Order No. 99-11 of 14 March 1999, the death penalty may not be imposed on any person under 18 years of age.

128. Female genital mutilation and voluntary transmission of HIV/AIDS were characterized as criminal offences under the revised Criminal Code adopted in 2003. The "treatment of childhood diseases (PCIME)" approach was extended from 24 to 28 health districts.

129. The national strategy document on mother-to-child transmission of HIV/AIDS (PTME) and the roadmap on reproductive health were adopted. With a view to preventing malaria infection, campaigns involving the free distribution of insecticide-treated mosquito nets were organized on behalf of pregnant and/or nursing women.

3. Statistical data

130. Deaths of persons under 18 years of age as a result of criminal acts and other forms of violence are mainly acts committed by mothers on newborn children. Fear of being blacklisted induces many women with unwanted pregnancies to dispose of their children by illegal means at birth. The ratio of the crime of infanticide in the Urban Community of Niamey is reflected in the number of case files submitted to the Assize Court during its sessions in 2004, 2005 and 2006:

2004 session	7 out of a total of 36 files
2005 session	4 out of a total of 33 files
2006 session	7 out of a total of 36 files

Source: Niamey Appeal Court.

Table No. 7: Deaths of persons under 18 years of age from various diseases in 2005

Diseases	*Age*				
	- 1 year	*1 to 4 years*	*5 to 14 years*	*15 to 18 years*	*Total*
Simple malaria	116,192	272,075	111,448	261,379	761,094
Severe malaria	9,646	26,778	7,761	12,428	56,613
Extrapulmonary tuberculosis	1	24	52	319	396
Yellow fever	0	5	2	5	12
Pneumonia	53,267	87,772	25,743	50,371	217,153
Severe pneumonia	8,934	10,791	3,384	5,652	28,761
Chronic cough	31	84	623	6,743	7,481
Cough or cold	67,687	114,785	52,870	93,836	329,178

131. Owing to the lack of data on child suicide, it is difficult to comment at present on the existence of this phenomenon.

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

1. Follow-up measures

132. Awareness-raising campaigns on the rights of the child, conducted by public authorities and NGOs and targeted at local councillors, public servants, traditional leaders and religious leaders, are primarily designed to promote change in traditional attitudes that are opposed to the child's right to express his or her views.

133. In order to reach different strata of the population, irrespective of their area of residence, some of the awareness-raising campaigns have been conducted via community radio stations based in rural areas. For instance, the Youth Initiative Project formed a partnership with the NGO Population Media Center (PMC) to produce a 144-part radio series which was broadcast by almost all community radio stations. It dealt with child trafficking and exploitation, healthcare, adolescent reproductive health, gender equity and other topics. The project is currently being evaluated to determine its impact in terms of changing attitudes to respect for the views of children.

2. Measures of implementation

134. The establishment of a Youth Parliament by Decision No. 0010 of the President of the National Assembly of 16 April 2002 reflects the public authorities' desire to promote greater respect for children's views. The Parliament provides children with an institutional framework in which they can defend their rights and complain about any violations.

135. It is currently composed of 113 junior members of Parliament, of whom 49 are girls. The Parliament's goals are: (a) spreading information and generating awareness of the rights of the child among children, parents, the public authorities and civil society; (b) promoting the values of peace and tolerance among young people by developing their sense of responsibility;

(c) protecting children from violence and from practices and customs that impede their development; (d) involving young people in implementation of the Convention.

136. The Youth Parliament has a number of achievements to its credit, including the following: (a) questioning of members of the Government about issues relating to children; (b) advocacy on behalf of child victims of malformations due to fluorine in the water; (c) awareness-raising to promote the registration of children at birth and to prevent HIV/AIDS; (d) visits to children's hospitals, juvenile detention centres and shelters for children. Collaboration with other youth organizations has led to the publication of a biannual magazine entitled *La voix des jeunes*.

137. The establishment in 2006 of a National Youth Council with regional branches created a new framework for the expression of children's views, enhancing the likelihood of their being taken into consideration. Furthermore, the emergence of a network of community associations facilitates access by young people to decision-making machinery, as, for example, in the case of the scouts, the young workers' association, etc.

3. Statistical data

Table No. 8: Number of schools with a pupils' association; number of associations and NGOs active in the area of child protection; number of media programmes concerning children

Number of schools with a pupils' association or cooperative	*Number of NGOs/associations active in the area of child protection*	*Number of television/radio programmes concerning children*
2,728	200	172

Source: Ministry for the Advancement of Women and Protection of Children (MPF/PE).

4. Shortcomings noted

138. Young people lack the platforms they require to make their views known. In many cases, they come together in neighbourhood organizations (fadas), without resources, with no means of expressing their views and without any real involvement in development activities, so that they are at risk of delinquency and may join the flow of migrants from rural to urban areas.

139. The Youth Parliament has become a kind of subdivision of the National Assembly without any real independence, which reduces its effectiveness. Moreover, the Parliament's members are all enrolled at school. Access is barred to young people outside the school environment and/or who require special protection measures.

2.4. Civil rights and liberties

2.4.1. Name and nationality (art. 7)

1. Follow-up measures

140. Celebrations marking the "Day of the African Child" on 16 June focused in 2003 on birth registration.

141. With financial support from UNICEF and UNFPA, the Ministry of Justice, in collaboration with the Ministry of the Interior, the Ministry for the Advancement of Women and Protection of Children, and relevant NGOs and associations, has begun promoting the organization by the courts of special countrywide mobile hearings. Declaratory judgements regarding births have been rendered during the hearings on behalf of children who were not registered at birth.

142. With a view to building the capacity of civil status centres, 1,098 officials and 65 registration officers were trained between 2000 and 2003 with UNICEF support. Between 2005 and 2006, the Community Action Programme (PAC) provided funds for the training of 485 community leaders, registration officers and civil status officials. The Local Development Project (PADL) supported the training of 45 registration officers and officials. In 2006 the European Union funded the training of 322 civil status officials. During the same period the NGO Plan-Niger supported the training of 170 registration officers.

143. Further support in the form of materials and equipment was provided to the National Civil Status Directorate and a number of civil status centres by UNICEF and the NGO Plan-Niger to enable them to improve their services.

2. Measures of implementation

144. A draft national civil status policy has recently been formulated by the National Civil Status Directorate with funding from UNICEF. The draft policy, which is currently being adopted by the Government, contains numerous innovations such as: (a) enhancement of civil status outreach by extending the territorial basis of civil status; (b) promotion of demand for civil status through awareness-raising; (c) creation of regional and departmental civil status offices to stimulate and coordinate relevant action; (d) establishment of a civil status observatory to ensure more effective oversight of activities undertaken.

145. The other main thrusts of the civil status policy project are: (a) bringing civil status services closer to the people; (b) free availability of civil status and compulsory declaration of events; (c) gradual introduction of information technology tools; (d) subregional integration of the civil status system.

146. Furthermore, the establishment of deliberative and executive bodies in the 265 urban and rural communes of Niger after the 2004 local elections was expected to result in a significant and continuous increase in birth registration by facilitating access to the principal and secondary civil status centres. However, registration statistics for the years 2005 and 2006 have not yet been compiled, so that the impact of decentralization on birth registration cannot be reported for the time being.

147. Order No. 85-05 and its implementing decree establish the right to a name by attributing to a legitimate or adoptive child the first name of the child’s legal or adoptive father. On the other hand, a recognized child born out of wedlock is given the father’s first name if the latter has recognized the child. If he has not, in other words, if the child has not been recognized by his or her father, the child must be given the mother’s name.

148. Foundlings and abandoned children are also entitled to a first name and a family name. They are attributed provisionally by the registration officer pending a judgment regarding attribution of a name.

149. With regard to nationality, the liberal provisions of Niger's nationality law, which were described in detail in the previous report, are still in force. Their liberal character was enhanced by Order No. 99-17 of 4 June 1999 amending the Nationality Code, which introduced equality between men and women in terms of transmission of nationality to their children.

3. Statistical data

150. An analysis of statistical data concerning birth declarations in 2002 and 2003 showed that birth registrations had increased. According to the data, coverage ratios of 27.5 per cent and 30 per cent respectively were recorded for 2002 and 2003. The proportion of children registered in civil status centres continues to increase and was estimated at 32 per cent in 2006 by the Niger demographic and health survey/multiple indicator cluster survey (EDSN/MICS-III). However, failure to declare all births at the civil status centres is still a persistent countrywide phenomenon in Niger.

Table No. 9: Number of children registered, number of centres operating and number of officials trained

Number of children registered at birth	*Number of judgements supplementing birth certificates rendered*	*Number of children registered during the mobile campaigns*	*Number of civil status centres operating*	*Number of officials trained in birth registration*
119,858	38,290	23,591	1,314	1,022

151. The proportion of children registered in civil status centres does not vary in terms of the sex of the child. However, proportionately fewer children are registered in rural areas than in urban areas (25 per cent, compared with 71 per cent). The proportion of children registered also varies according to the standard of living of the household. It stands at 20 per cent for children from the poorest households, compared with 67 per cent for the wealthiest households.

4. Difficulties encountered

152. The increase in the birth registration ratio remains limited despite the diverse promotional measures taken by the State with support from its various partners. This is due to the following factors:

(a) A lack of interest in civil status on the part of local authorities, reflected in failure to remunerate registration officers, whose payments are several years overdue. As a result, the officials refuse to keep records and even abandon the civil status centres. For instance, the number of operational civil status centres dropped from 1,504 in 2005 to 1,314 in 2006, a decline of 190;

(b) The fact that stocks of printed birth certificates ran out in 2006;

(c) Failure by the courts (prosecutors) to perform their duty of overseeing the activities of civil status centres;

(d) Failure of civil status centres to cover all villages. The legislative and regulatory system currently in force does not ensure coverage of all villages by civil status centres. As a result of the limited access to centres, people have little incentive to declare all births;

(e) The fact that civil status statistics are not compiled on a regular basis.

153. The new civil status policy designed to remedy existing shortcomings has not yet been adopted by the Government.

2.4.2. Preservation of identity (art. 8)

154. With a view to preserving the child's identity, the law provides that, in cases of simple adoption, the adoptee keeps his or her original name, to which the name of the adopter may be added, if the child so desires.

155. In cases where a child, following an action to disclaim paternity, loses his or her identity or the nationality of Niger, the law provides for measures of protection which consist either in attributing an alternative identity or in authorizing the loss of identity only if the child is able to obtain another identity. The first option is covered by Decree No. 85-31 of 29 March 1985 establishing the implementing provisions for Order No. 85-05 of 29 March 1985. Pursuant to this legislation, the child takes his or her mother's name in cases of repudiation of paternity.

156. The second option is contained in the Nationality Code of Niger, which attributes the nationality of Niger to a child born in the country to unknown parents. However, such a child loses the nationality of Niger if proof of descent from a foreigner is established before attainment of the age of majority, provided that the child has the foreign parent's nationality under the legislation of the country concerned.

2.4.3. Freedom of expression (art. 13)

1. Follow-up measures

157. The rules governing freedom of expression have been maintained and are applicable to everybody. The establishment of a Youth Parliament in 2002 and of a number of associations of young people, the creation of youth groups (fadas) and musical groups (raps), and the establishment of a National Youth Council provide children with opportunities for exercising their freedom of expression more effectively.

2. Difficulties encountered

158. While no special difficulties are encountered by children in exercising their freedom of expression in public places, the same is not true of the family and community environment. The survival of traditional attitudes in those settings is not conducive to the full exercise by children of their freedom of expression. According to these traditional views, children should passively follow the path mapped out by adults.

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

1. Measures of implementation

159. The principle of freedom of thought, conscience and religion for all citizens is enshrined in the Constitution. It is guaranteed by the democratic and non-denominational structure of the State. Within the family, the child's freedom of thought, conscience and religion is exercised in accordance with the guidance offered by his or her parents.

2. Shortcomings noted

160. The provision regarding freedom of thought, conscience and religion for children gave rise to heated debate during activities aimed at publicizing the Convention. Many social workers felt that it was dangerous for children, given their immaturity, to be allowed to choose their religion.

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

161. The legal provisions guaranteeing freedom of association and assembly are still in force. The provisions allowing for the establishment of youth and school associations have also been maintained.

162. The establishment of communal bodies and the creation of a Ministry of Community Development provides such organizations with an appropriate framework in which they can grow and thrive.

2.4.6. Protection of privacy (art. 16)

163. The protection of privacy is reflected in:

- Enshrinement in the Constitution of the principle of inviolability of the home. The derogations from that principle are laid down by law;
- Prosecution of any violation of the privacy of the home (art. 271 of the Criminal Code);
- Prosecution of illegal confinement and arbitrary arrest (arts. 265 to 268 of the Criminal Code);
- Prosecution of the offences of defamation and insult (arts. 50 to 57 of Order No. 99-67 of 20 December 1999 concerning the regime of freedom of the press).

164. No case of illegal confinement, defamation or insult affecting a child has been officially recorded by the courts. It has been noted, however, that photographs of the faces of children involved in cases of aggravated theft are sometimes shown by the audiovisual and print media because their technical departments are unaware of the relevant legal provisions.

2.4.7. Access to appropriate information (art. 17)

1. Measures of implementation

165. To protect children from information injurious to their well-being, Order No. 99-67 concerning the regime of freedom of the press prohibits on pain of criminal penalties the inclusion in publications for children and adolescents of an illustration, story, column or insert advocating anti-social behaviour, lies, laziness, cowardice, hatred, debauchery or any acts characterized by the law as crimes of offences or likely to have an adverse impact on the morals of children or young people.

166. The Higher Council for Communication is responsible for ensuring that the media respect child protection requirements in their publications.

167. The establishment of a framework for collaboration between UNICEF and the country's public and private media has enhanced the capacity and efficiency of the media and led to an increase in the coverage of topics relating to the rights of the child. At the regional level, UNICEF participated in the "Revitalization of rural radio stations" project, conducted in partnership with the Government and the Food and Agriculture Organization of the United Nations (FAO), with the aim of promoting wider dissemination of information on the rights of the child. A total of 14 rural radio stations (seven private and seven public) were involved in the project. With the same aim of supporting rural radio stations at the regional level, UNICEF provided funding for the equipment of Tessaoua radio station.

2. Statistical data

168. With a view to facilitating children's access to information aimed at the promotion of their spiritual and moral well-being, 51 libraries, including 29 public reading libraries, were financed by the French cooperation agency; 12 reading and cultural centres (CLACs) were funded by the International Organization of the Francophonie; and 10 libraries were funded by the Islamic Educational, Scientific and Cultural Organization (ISESCO).

169. Several dozen community radio stations have been established in rural areas. Their broadcasting schedules include educational programmes for children and programmes run by children.

3. Shortcomings noted

170. Owing to a lack of resources, the State has been unable to link up the country's network of community radio stations or to ensure effective oversight of the sources from which the information they broadcast is drawn. This has resulted in: (a) unequal access of children to information; (b) exposure of children to information that could prove injurious to their well-being; (c) inaction on the part of the film control board. Moreover, the survival of existing community radio stations is by no means assured.

171. Although there has been a slight increase in the number of media, especially in the private sector, it has to be acknowledged that information is disseminated primarily in urban areas.

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

1. Follow-up measures

172. A national Framework for Coordination of Action to Counter Violence against Women and Children has been established. It is composed of UNICEF, UNFPA, public-sector bodies and a number of NGOs and national and international associations for the protection of women and children. The Framework for Coordination organizes social awareness activities each year to draw public attention to the violence suffered by women and children in Niger.

2. Measures of implementation

173. A study was commissioned by UNICEF in 2005 on violence and abuse suffered by women and children in the Maradi region and the Urban Community of Niamey. One of the objectives of the study was to identify more clearly the factors that gave rise to such violence. A similar study, funded by UNFPA in collaboration with OXFAM Quebec, was undertaken by the Framework for Coordination of Action to Counter Violence against Women and Children in the regions of Zinder and Agadez in 2006.

174. The NGO Niger Committee on Traditional Practices (CONIPRAT) has been conducting information, training and awareness-raising activities with a view to countering excision and other harmful traditional practices for a number of years in partnership with the association of traditional leaders.

3. Statistical data

175. Excision is still practised in certain areas. According to the findings of surveys conducted by the Niger Committee on Traditional Practices (CONIPRAT) with the support of UNICEF in 1992, 2000 and 2002, excision is practised in the regions of Tillabéry and Diffa and in the Urban Community of Niamey.

176. However, some weakening of the tradition has been discernible. The EDSN/MICS-III survey conducted in 2006 put the proportion of excised women at 2.3 per cent, compared with 4.5 per cent in 1998. The proportion of excised women varies according to the residential area surveyed: it amounted to 2.1 per cent in urban areas, compared with 2.3 per cent in rural areas. The following table shows the ratio of excised juveniles by age group:

Table No. 10: Data disaggregated by age of excised juveniles

Early childhood	*0 to 1*	*2 to 4*	*5 to 9*	*10 to 14*	*15 years and over*
55.0%	2.0%	9.0%	17.0%	11.0%	1.0%

Source: EDSN/MICS-III 2006.

177. Credit for the progress made in the fight against excision is due to the manifold activities undertaken by NGOs, with support from UNICEF in particular. These activities included the launching of an excisor retraining project in 2000. The excisors attended training courses in management and in general income-generating activities. At the end of the courses, they were

granted loans to engage in income-generating activities. As a result of the project, 92 excisors in the regions of Diffa and Tillabéry have switched to different activities.

178. In addition, awareness-raising campaigns have been conducted by national NGOs. In 2005, for instance, the NGO CONIPRAT organized 12 campaigns on female genital mutilation in 40 villages. The coverage of the campaigns totalled 6,648 persons (2.212 men, 2,786 women and 1,650 children) as well as 140 community leaders, 80 public officials, and 100 traditional hairdressers and excisors.

179. In 2006, 13 awareness-raising campaigns on the subject of female genital mutilation were organized in 70 schools, with a total coverage of 6,210 schoolchildren.

180. The following table shows the situation with regard to child sexual abuse and domestic violence:

Table No. 11: Situation regarding child sexual abuse and violence against children

Indicators	*Number*	
	2005	*2006*
Cases of sexual abuse of minors	116	87
Cases of domestic violence against children	4	200

181. The study on violence in the Maradi and Niamey regions found that 469 complaints of violence against women and children were recorded during the 2003-2004 period by four police stations, five gendarmerie brigades and four courts with jurisdiction in the area covered by the study.

182. It also indicated the proportion of detainees held for crimes of violence against women and children (see table 12 below).

Table No. 12: Number of prisoners held for crimes of violence against women and children in 2005

Short-stay prison	*Niamey*	*Maradi*
Total number of detainees	780	250
Number of detainees held for crimes of violence against women and children	111	47
Proportion (percentage)	14.23	18.8

Source: Study on violence in the Maradi and Niamey regions.

183. The number of projects and programmes providing support to women and children amounted to 142 in 2006, compared with 110 in 2005. The support consists of training courses for staff and social work on behalf of women and children.

4. Difficulties encountered

184. Many crimes of violence against children go unpunished because nobody reports them. Victims only rarely report their persecutors, because of fear of reprisals, because the act of violence is an invasion of the victim's intimacy, because no remedies are available in the victim's environment or because of the victim's reverential fear of his or her persecutor when the latter is a family member. Acts of violence against children are generally reported only when such acts are repeated and they are usually reported by witnesses.

185. Culture and poverty are the main factors responsible for the persistence of violence against children. With regard to culture, female genital mutilation and corporal punishment owe their existence, for example, to the fact that they are enshrined by certain customs in initiation rites. To illustrate the impact of cultural factors on violence against children, it may be noted that, while the proportion of excised women is declining at the national level, it remains very high in the Gourmantché and Peuhle ethnic groups, which record ratios of 65.8 per cent and 12.8 per cent.

2.5. Family environment and alternative care

2.5.1. Parental guidance (art. 5)

186. Parental guidance is ubiquitous in Niger. It forms part of both traditional education, which involves preparing the child to engage in the same occupation, depending on gender, as his or her father or mother, and of modern education, influencing the child's choice of subjects or even the decision whether or not to send the child to school. In the latter case, parental guidance is diverted from its goal since it fails to take the child's best interests into account.

2.5.2. Parental responsibilities (art. 18)

1. Follow-up measures

187. With a view to identifying more clearly the factors conducive to poverty and ensuring the more effective management of development activities so that they benefit the most vulnerable sectors of society, the Government of Niger elaborated a Poverty Reduction Strategy (PRS) in 2002 which serves are the principal framework of reference for economic and social development. The PRS-based analysis of the profile and manifestations of poverty in Niger revealed the existence of widespread monetary poverty and limited access to social services. As a result, a large proportion of the population (62.1 per cent in 2006), especially women in rural areas, live beneath the poverty threshold.

188. PRS-based sectoral policies and strategies have been developed in a number of areas. Their main objective is to increase the monetary income of the poorest members of society and to facilitate their access to basic social services.

189. NGOs and public-sector bodies have taken vigorous action against early marriage. The resumption of the process of drafting a Personal Status Code, the elaboration of the National Plan of Action for the Survival, Protection and Development of Children, and the fixing of a

compulsory education age by Act No. 98-12 of 1 June 1998 concerning the education system enhance the prospects of eradicating the phenomenon of early marriage.

2. Measures of implementation

190. The Constitution of the Fifth Republic stipulates that "parents have the right and the duty to raise their children. They shall be supported in that task by the State and the public authorities." It follows from this provision that responsibility for raising children lies primarily with their parents. They may be biological parents, adoptive parents or persons exercising parental authority in the place of the child's parents. At all events, such responsibility must, in line with the constitutional provision, be exercised jointly, in other words by the father and mother or by those acting in their place.

191. The assistance provided to parents by the State for the education of their children consists in the payment of family allowances, the provision of micro-credit, promotion of universal access to basic social services (education, health, water), and the alleviation of domestic chores, etc. through the Poverty Reduction Strategy and the Special Programme of the President of the Republic.

192. These achievements have enhanced household purchasing power, especially in rural areas, alleviated women's domestic chores and reduced women's dependence by enabling them to engage in income-generating activities.

3. Budgetary allocation

193. The first two stages of the Special Programme of the President of the Republic cost about 47.5 billion CFA francs.

4. Statistical data

194. The following table shows some of the achievements recorded during the first two stages of the Special Programme of the President of the Republic (2001-2005):

Table No. 13: Achievements of the Special Programme of the President of the Republic

Component	*Number of achievements*
Classrooms	2,000
Community health huts	2,000
Recruitment of teachers	2,000
Recruitment of health officials	2,000
Training of young people	1,000
Training of physicians	25
Training of surgeons	25
Organization of mobile surgery services in general medicine and ophthalmology	32
Purchase of ambulances	68

Component	*Number of achievements*
Construction of maternity hospitals	3
Pastoral wells	179
Village wells	262
Pastoral pumping stations	25
Market wells	30
Drill sites with human-powered pumps	423
Milch cows assigned to women's groups	2,028
Training of young people in entrepreneurship	154
Hullers	100
Grain mills	100
Amount of micro-credit provided	1,000,000,000

Source: Special Programme of the President of the Republic, first and second stages.

5. Shortcomings noted

195. Family relations between persons of legal status (as opposed to customary status), i.e. of persons opting to have their private-law relations governed by the legal system, are governed by the Civil Code and a number of sectoral legal instruments. The Civil Code of Niger is based on the French Civil Code of 31 March 1803. It was made applicable to Niger by a Decree of 6 August 1901 and by article 76 of the Niger Constitution of 8 November 1960.

196. The Civil Code recognizes the husband as head of the family so that he enjoys major prerogatives as regards the children's upbringing. It is therefore the husband who is responsible for taking decisions concerning the family and child-rearing.

197. It follows that the wife is her husband's subordinate in terms of family relations. She can replace her husband as head of the family only if he is unable to make his wishes known on account of estrangement, absence, incapacity or some other factor.

198. As the husband is the head of the family, he exercises paternal authority during the marriage. This consists of a set of prerogatives that he alone can exercise over the family property and over the person of his minor children. Children cannot leave the family home without their father's permission. Hence, they cannot leave home with their mother's permission because paternal authority is exercised only by the father.

199. The attribution by law of the status of head of the family and of paternal authority to the husband is a rule from which the spouses cannot derogate under any circumstances in their marriage contract.

200. To sum up, under the law in force in Niger, responsibility for child-rearing is not shared by the father and mother but lies solely with the former. The same applies to customary law, which is based primarily on the principle of patriarchal obedience and therefore entrusts the father with responsibility for the children's upbringing.

201. Family allowances are paid only to workers and employees in the public, semi-public and private sectors. They are not paid to persons who are not gainfully active.

2.5.3. Measures to ensure that children are not separated from their parents against their will and to combat the illicit transfer of children abroad (arts. 9 to 11)

1. Follow-up measures

202. A study of judicial good practices relating to protection of the rights of women and children, the findings of which have just been adopted, was undertaken by the Syndicat Autonome des Magistrats du Niger (Independent Association of Judges of Niger – SAMAN) with support from UNICEF. Publications have been produced and distributed to courts to promote the dissemination and effectiveness of such practices.

2. Measures of implementation

203. With regard to measures to ensure that children are not separated from their parents against their will, the establishment of juvenile courts and the Educational, Judicial and Preventive Service (SEJUP) has greatly assisted in ensuring the effectiveness of such measures. Thanks to educational oversight of numerous children at risk or in conflict with the law, it has been possible in many cases to return the children to their families, to find them employment or to place them in apprenticeship.

204. The illicit transfer of children occurs in the context of child trafficking. With a view to determining the existence and assessing the scale of the phenomenon in Niger, a national survey was conducted in 2004. In the wake of the survey, a National Commission for Oversight and Coordination of the National Plan of Action to Combat Child Trafficking was established under the auspices of the Ministry for the Advancement of Women and Protection of Children by Decree No. 10/MPF/PE of 26 May 2006. Training courses in action against trafficking have been organized for the defence and security forces, local councillors, traditional leaders and religious leaders.

205. As a result of these measures, a large proportion of the population has been informed about the phenomenon of trafficking and national public opinion is becoming aware of its adverse impact on children's rights. A National Plan of Action against trafficking is being developed. Furthermore, a bill criminalizing trafficking has been drafted by the Government to fill the existing legal vacuum in that regard.

206. As a result of collaboration between the security services and NGOs, several dozen child victims of trafficking have been rescued and returned to their families.

207. Video clips are broadcast on television to promote awareness in the population.

3. Budgetary allocation

208. In addition to the financial resources allocated to the Ministry for the Advancement of Women and Protection of Children under the national budget, support from UNICEF, the European Union and the French cooperation agency amounting to more than 225 million CFA

francs, some of which is earmarked for SEJUP activities, has been made available for the period 2006-2007.

4. Statistical data

209. With regard to measures to ensure that children are not separated from their families, the mission conducted in December 2006 under the programme of judicial protection for juveniles resulted in the following findings with respect to the regions of Agadez, Dosso, Maradi, Zinder and the Urban Community of Niamey.

Table No. 14: Situation of children benefiting from oversight and protection measures

Description	*Number*
Voluntary educational oversight	657
Educational oversight by court order	78
Returned to family (urban area)	317
Returned to family (rural area)	74
Home/family visits	685
Young people placed in apprenticeship	112
Young people receiving UNICEF food allowances	66
Rehabilitation courses	31
Rehabilitation sessions	229

Source: DPE.

210. With regard to measures to prevent children from being separated from their families due to child trafficking, the security forces have succeeded, thanks to the training they have received, in intercepting several dozen children who were attempting to cross the country's borders. In the Agadez region 64 children were intercepted and handed over by the police to the NGO Action for the Abolition of Child Labour in Niger (AFTEN).

5. Difficulties encountered

211. The SEJUP services have no permanent staff; most of the officials running them are not permanent employees but persons performing their national civic service. This situation often undermines the effectiveness of their work.

212. In view of the lack of logistic facilities, action by the SEJUP services tends to focus on urban areas.

213. Campaigns to raise awareness of the fight against trafficking have had little impact in rural areas, so that children living in those areas are at risk of being separated from their families by traffickers and their intermediaries.

2.5.4. Protection of children deprived of a family environment (art. 20)

1. Follow-up measures

214. It is likely that the resumption of the process of drafting a Personal Status Code will lead to the abolition of repudiation and its harmful impact on children.

2. Measures of implementation

215. Special protection for children who are temporarily or definitively deprived of their family environment is provided in Niger by Order No. 99-11 of 14 May 1999 concerning the establishment, composition and jurisdiction of juvenile courts. Under this Order, the juvenile judge has jurisdiction in criminal matters and in the matter of protection. As regards protection, the juvenile judge is empowered to decide on protective measures on behalf of children under 18 years of age whose health, safety or morals are at risk or who are living in circumstances that have a serious adverse impact on their upbringing. Measures of protection may also be ordered on behalf of children who have committed criminal offences.

216. The effective implementation of Order No. 99-11 of 14 May 1999 ensures that the best interests of the child are taken more fully into account when custody of a child is awarded to one of the parents in the event of separation.

3. Statistical data

217. In Niger 68 per cent of children under 15 years of age live with their two biological parents. This ratio declines as the child grows older, falling from a maximum of 78 per cent for the 0-1 age group to 66 per cent for the 5-9 age group and a minimum of 64 per cent for the 10-14 age group. The proportion of children living with their two parents is almost the same in rural and urban areas (68 per cent and 69 per cent). It varies, on the other hand, according to the standard of living of the household concerned: a minimum ratio of 64 per cent has been recorded for children belonging to the poorest households and a ratio of 71 per cent for the wealthiest households.

218. Almost one third of children under 15 years of age (16 per cent) live only with their mother, whether their father is still alive (14 per cent) or decreased (2 per cent), and 4 per cent live only with their father. Ten per cent live with neither of the two parents.

219. Six per cent of children under 15 years of age have lost their father and/or mother: 1 per cent have lost both parents, 3 per cent have lost their father and 2 per cent have lost their mother. The ratio of children who have lost their father and/or mother increases markedly with the child's age, rising from 1 per cent for the 0-1 age group to 3 per cent for the 2-4 age group and 6 per cent for the 5-9 age group. The ratio is very high for children in the 10-14 age group (10 per cent).

220. The survival of a child's parents influences the school attendance ratio of children in the 10-14 age group: when both parents are alive and the children live with at least one of them, 38 per cent of them attend school; on the other hand, when both parents are deceased, the ratio of those attending school is considerably lower, namely 24 per cent. Moreover, the statistics show

that 34 per cent of children who have lost their father or mother (or both parents) attend school, compared with 37 per cent of those who have not lost either their father or their mother.

221. The following table shows the situation with respect to care centres for children separated from their families.

Table No. 15: Situation of care centres for children separated from their families

Name of establishment	*Number enrolled*	*Location*	*Activities*
Compassion solidarité enfants du Niger	33	Niamey	Training in dressmaking, hairdressing, dyeing; schooling, kindergarten
Association nigérienne pour le traitement de la délinquance	156	Niamey, Téra, Birni, Gaya, Ouallam and Tillabéry	Training in dressmaking, cookery and knitting, income-generating activities, literacy education
Support Programme for Reintegration of Children in Difficulty (PARED)	2,753	Niamey	Provision of care and building of trust, apprenticeship, schooling, literacy education, etc.
Tarbiya Tchoukou	50	Zinder	Nutritional care, socio-occupational reintegration, assistance, promotion of school enrolment
Sponsorship, Action and Development School	15	Makalondi	Shelter, educational activities, care and assistance, reintegration, legal support, return to the family
Valpro	9,732	Niamey	Rehabilitation work; training (in catering, dressmaking, hairdressing, battery charging, vehicle washing); literacy education
Aboubacar Sidik Orphanage	308	Niamey	Schooling; training (dressmaking, electro-mechanics, gardening, etc.);
Centre Ousseymî	201	Niamey	Schooling; training (dressmaking, electro-mechanics, gardening, etc.);
Orphanage	221	Tahoua	Schooling; training (dressmaking, electro-mechanics, gardening, etc.);
Orphanage	281	Maradi	Schooling; training (dressmaking, electro-mechanics, gardening, etc.);
Orphanage	52	Tillabéry	Schooling; training (dressmaking, electro-mechanics, gardening, etc.);
Village SOS	163		
Fraternité Notre Dame	27	Niamey	Schooling; training in embroidery

Name of establishment	*Number enrolled*	*Location*	*Activities*
Remar	56	Niamey	Schooling; apprenticeships (dressmaking, carpentry, soldering); parental mediation;
Pelican	22	Niamey	Socialization and reintegration
Soeurs du Christ Gethsemani	56	Niamey	Schooling; vocational training;
ADN-Kamna	42	Niamey	Schooling; Informat.ion technology, dressmaking, carpentry, etc.
Total	**14,168**		

Source: DPE/MPF/PE report, 2006.

222. These centres cater for a total of 14,168 children.

223. A comparison of the information contained in miscellaneous documents yields the following results for the number of minors incarcerated in prisons in the regions of Agadez, Maradi, Zinder, Diffa and the Urban Community of Niamey in 2006:

Table No. 16: Figures for minors detained in certain regions in 2006

Region	*Number*
Agadez	5
Dakoro	18
Zinder	10
Maradi	10
Urban Community of Niamey	50
Diffa	4
Dosso	10
Gaya	3
Gouré	3
Tahoua	6
Mainé soroa	5
Total	**114**

*Source***:** Ministry of Justice.

4. Difficulties encountered

224. Judges and law enforcement officers are not sufficiently well versed in the measures of protection required under Order No. 99-11. To this must be added the inadequacy of social workers in both quantitative and qualitative terms. As a result, the potential of the legislative enactment is not fully exploited.

225. The following shortcomings may be noted in the case of the care centres: inadequate collaboration among them; insufficient involvement on the part of the Ministry for the Advancement of Women and Protection of Children; delays in dealing with project files submitted to funding bodies or delays in releasing the funds allocated; inadequate exchanges of information between the care centres and the Ministry; insufficient managerial staff; shortages of specialized staff; and lack of familiarity with the procedures on the part of the funding mechanisms.

2.5.5. Consideration of the best interests of the child in cases of adoption (art. 21)

1. Follow-up measures

226. The drafting, on a participatory basis, of the Children's Code is designed, inter alia, to promote and encourage official adoption. A further aim is the gradual elimination of unofficial adoption.

2. Measures of implementation

227. The partnership between the Ministry for the Advancement of Women and Protection of Children and the French Association for the Protection of Children in Distress is still in force.

228. The Department for Child Protection plans to implement a public awareness and information programme on official adoption following the enactment of the draft Children's Code. It is hoped that these awareness-raising and information campaigns will encourage official adoption by the people of Niger and eliminate non-official adoption.

3. Budgetary appropriation

229. The 2006 investment budget for the Care Centre for Children with Family Difficulties was 10 million CFA francs.

4. Statistical data

230. The placement of children with institutions or foster families and the return of children to their families have been strongly encouraged, as may be seen from the following table showing trends during the period 1999-2006 for children in the Care Centre for Children with Family Difficulties:

Table No. 17: Figures for children in the Care Centre for Children with Family Difficulties

Status	*Year*								
	1999	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*Total*
Admitted to the centre	18	17	31	27	22	17	22	32	186
Returned to parents	3	8	9	4	12	6	7	9	58
Adopted	5	9	8	9	9	11	8	4	63
Deceased	6	1	6	3	3	0	2	3	24

Status	*Year*								
	1999	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*Total*
Placed	0	0	1	3	2	3	6	1	16
Present in the Centre	7	6	13	21	17	13	12	23	112

Source: Care Centre for Children with Family Difficulties.

5. Difficulties encountered

231. Official adoption is rare in Niger because of cultural and religious difficulties and conditions governing adoption that people find unduly burdensome.

2.5.6. Recovery of maintenance (art. 27)

232. The recovery of maintenance raises no serious problems when the parent owing the maintenance is in regular employment with a stable income. In those circumstances, the parent who is the creditor of the maintenance can take legal action to overcome any resistance on the part of the debtor. Such legal action would involve either filing a complaint for wilful desertion or requesting garnishment of the salary or other earnings.

233. On the other hand, where the person owing the maintenance has no occupation affording a regular income, recovery of maintenance is impossible. This is the case in rural areas, where the overwhelming majority of the population depend on seasonal employment which is subject to the vicissitudes of climatic variability.

2.5.7. Periodic review of placement (art. 25)

234. Order No. 99-11 of 14 May 1999 empowers the juvenile judge to order the placement of a child who is at risk. However, it makes no provision for periodic review of such placement. In practice, the juvenile judge undertakes a periodic review of the circumstances of the placement. Moreover, action may be taken against the juvenile judge’s decision regarding placement. Thus, an objection may be lodged, an appeal may be filed or an action to set aside the decision may be instituted.

2.6. Health and welfare

2.6.1. Survival and development of the child (art. 6, para. 2)

1. Follow-up measures

235. The Government has drawn up and adopted a Healthcare Development Plan covering the period 2006-2010. The Plan seeks to expand health coverage from 42 per cent in 2004 to 65 per cent in 2010, to reduce the infant mortality rate and infant-child mortality rate by 25 per cent, and to improve the quality of healthcare for at least 80 per cent of the population. Several local and communal healthcare development plans have been elaborated as part of the decentralization process.

236. There has been a marked reduction in infant and child mortality. The infant mortality rate and the child mortality rate (1-4 age group) dropped from 123 and 172 respectively per thousand during the period 1993-1998 (EDSN II) to 81 and 126 per thousand during the period 2001-2006.

237. The maternal mortality rate dropped from 671 per 100,000 live births in 1992 to 561 in 2006, which is equivalent to a decline of 16 per cent. To ensure a further reduction, a Reproductive Health Act was adopted in 2006. The Act liberalizes contraception and authorizes abortion when the mother's health is at risk.

238. The proportion of vaccinated children, which was 60 per cent in 1998, had increased to 83.5 per cent by 2006. With regard to children's nutritional status, a number of nutritional recovery centres have been established to deal with moderately serious and serious cases of malnutrition (CRENAM, CRENAS). The weight-for-age indicator, which reflects both forms of malnutrition (chronic and circumstantial) in terms of weight insufficiency, shows that the percentage of malnourished children stood at 44.4 per cent in 2006 (despite the 2005 food crisis), compared with 49.6 per cent in 1998, i.e. almost one out of every two children in Niger.

239. The practice of breastfeeding remains very widespread in Niger: 99 per cent of children under the age of six months are breastfed. However, only 13.5 per cent of children in that age group depend exclusively on breastfeeding. The other children receive, in addition to their mother's milk, water (63 per cent), other liquids (2 per cent) and solid or boiled foods (12 per cent). The duration of breastfeeding is variable, ranging from 0 to 35 months.

2. Measures of implementation

240. The provisions of the Criminal Code punishing violations of the right to life, survival and development of children have also been maintained. They are the following provisions:

- Abortion (arts. 295 and 296);
- Infanticide (art. 240);
- Knowingly profiting from begging by minors or inciting them to beg (art. 181);
- Assaulting a child under 13 years of age (art., para. 1);
- Food or care deprivation likely to damage the health of a child under 13 years of age (art. 227);
- Abduction, concealment, concealment of birth, substitution of one child for another (art. 248);
- Failure to declare a newborn child (art. 252);
- Failure to declare delivery of a child (art. 251);
- Abandonment of a child (art. 253);

- Abduction of minors using fraud or violence (art. 255);
- Abduction of minors without fraud or violence (art. 258);
- Failure to hand over a child whose custody has been determined by a court order (art. 259);
- Wilful neglect of the family or desertion of the matrimonial home (art. 260);
- Failure to pay maintenance (art. 261);
- Pledging as security a minor under 13 years of age (art. 269, para. 2);
- Deprivation of liberty of a minor under 13 years of age (art. 270, para. 2);
- Indecent assault without violence on a minor under 13 years of age (art. 278);
- Indecent assault by an ascendant on the person of a minor (art. 279);
- Indecent assault with violence on the person of a minor under 13 years of age (art. 280, para. 2);
- Indecent acts committed against a minor of the same sex (art. 282);
- Rape of a minor under 13 years of age (art. 284, para. 2);
- Procurement and incitement to immorality committed against a minor (art. 292, para. 2, and art. 293);
- Serving spirits and alcoholic beverages to minors under 18 years of age (art. 302);
- Employment of women under 18 years of age in an establishment selling drinks for consumption on the premises (art. 304);
- Abuse of a minor's needs (art. 339).

241. Further offences were added to those listed above by Act No. 2003-25 of 13 June 2003. They are the serious crime and major offence of slavery (art. 270, paras. 1 to 3), female genital mutilation (art. 232, paras. 1 to 3) and genocide (art. 208, para. 1).

242. In addition to these punitive measures, preventive action is planned under the National Plan of Action for the Survival, Development and Protection of Children and the Integrated Development Plan for Early Childhood (DIJE). Preventive measures provided for in various existing sectoral policies and strategies have been maintained, for instance family life education in schools and the Expanded Immunization Programme.

243. Civil society organizations also continue to pursue various initiatives aimed at ensuring child survival and development. The Niger Network for Children (ReNE) was created to render

such initiatives more effective by building the capacity of the member organizations and offering them permanent advisory support.

3. Shortcomings noted

244. The punitive framework implemented with a view to guaranteeing child survival and development suffers from the following shortcomings:

(a) The lack of a criminal policy pursuant to which the prosecuting authorities would be offered guidance, on an annual basis, on effective punishment of criminal offences. In the absence of a criminal policy, the prosecuting authorities differ in their assessments of how the criminal law should be applied. As a result, certain offences committed against minors, such as abduction of a minor, abuse of a minor's needs, the sale of spirits or alcoholic drinks to minors, and procurement and incitement of a minor to immorality are trivialized;

(b) The lack of specialization of the police and gendarmerie forces in identifying children at risk and taking note of criminal offences committed against children. It was only in 2006 that the police and gendarmerie were provided with a national minors brigade, which is currently being established. This situation makes it difficult to punish certain acts committed against children and punishable under criminal law, for instance child begging, food or care deprivation likely to damage a child's health, and failure to declare a newborn child.

245. With regard to preventive action relating to child survival and development, the Plan of Action and the DIJE, which make consistent provision for such action, are not always applied. Under these circumstances, although the activities currently undertaken correspond to children's real needs, they are not only erratic but also uncoordinated, which undermines their durability.

246. The impact of some initiatives such as the introduction of family life education has been limited because they affect only children who are attending school and exclude those who are not enrolled. This accounts to some extent for the persistence of the phenomenon of unwanted pregnancies, which often leads to infanticide.

247. Moreover, the new Plan of Action for the Survival, Development and Protection of Children, which was intended to consolidate action taken under the previous Plan, was drawn up without any specific assessment of the effectiveness of the latter Plan. It is therefore to be feared that strategies or activities which proved counterproductive will continue to be implemented.

248. In general, the main threat to child survival and development is population growth, which leads to a corresponding increase in the need for basic social services (education, healthcare, water supply, etc.), although existing needs are only partially met. Hence, any significant action aimed at guaranteeing child survival and development must involve measures to promote people's awareness of their responsibility with respect to population issues in order to reverse the current trend. With that end in view, the Government adopted the Government Declaration on Population Policy in February 2007.

2.6.2. Children with disabilities (art. 23)

1. Follow-up measures

249. A number of specialized schools and integrated classes have been established at the national level. New NGOs involved in promoting care for children with disabilities have been created. The 2001 general population and housing census compiled data concerning persons with disabilities disaggregated by age group, type of disability, region and other factors.

2. Measures of implementation

250. The National Plan of Action for the Survival, Protection and Development of Children drawn up in 2003 contained provisions aimed at assisting children with mental and physical disabilities. A National Strategy for Specialized Education was developed and adopted in 2005 with UNICEF funding. Its aim is to promote education for children with special educational needs.

251. The integrated national development policy for early childhood and the national Healthcare Development Plan make provision for early childhood care and for assistance to pregnant women, thereby ensuring the rapid diagnosis of disabilities and adoption of the requisite measures.

252. A more exhaustive survey of persons with disabilities is planned for 2007 in order to obtain more precise figures for such persons and ensure that they have access to appropriate care.

3. Budgetary appropriation

253. The Plan of Action for the Survival, Protection and Development of Children provides for the appropriation of 65 million CFA francs in 2006 and 102 million CFA francs in 2007 for action on behalf of vulnerable children, children with disabilities, AIDS orphans and abandoned children.

4. Statistical data

254. According to the 2001 general population and housing census, there are 80,035 persons with disabilities in Niger, a figure equivalent to about 0.7 per cent of the total population. The total number of children under the age of 19 with disabilities is 29,005. The data in the following table are disaggregated by type of disability:

Table No. 18: Data concerning children with disabilities disaggregated by type of disability

Age group	*Blind*	*Deaf*	*Dumb*	*Lower limb infirmity*	*Upper limb infirmity*	*Mental deficiency*	*Leprosy*	*Other*	*More than one disability*	*Total*
0-4	**210**	**162**	**112**	**293**	**146**	**59**	**16**	**348**	**2,167**	**3,513**
5-9	**510**	**993**	**342**	**901**	**446**	**381**	**34**	**502**	**3,256**	**7,365**
10-14	**973**	**981**	**314**	**1,077**	**484**	**821**	**37**	**511**	**3,969**	**9,167**
15-19	**747**	**1,181**	**317**	**1,116**	**572**	**1,042**	**34**	**568**	**3,383**	**8,960**

Source: RGP/H 2001.

255. According to the national survey on children with disabilities and children serving as guides for persons with disabilities undertaken in 2001 by the MDS/P/PF/PE with funding from the NGO Plan International–Niger, there are more than 23,000 children with disabilities in Niger and more than 7,000 children serving as guides for persons with disabilities.

256. Children with disabilities are enrolled in specialized schools or in integrated classes. The latter are classes with special facilities for children with disabilities. The following tables present figures for children enrolled in specialized schools and integrated classes.

Table No. 19: Children enrolled in specialized schools

Establishment	*Boys*	*Girls*	*Total*
Niamey School for Blind Children	56	17	73
Niamey School for Deaf Children	73	57	130
Maradi School for Deaf Children	37	24	61
Zinder School for Deaf Children	41	26	67

Table No. 20: Children enrolled in integrated classes

Establishment	*Boys*	*Girls*	*Total*
Adam School in Konni	4	5	9
Nouhou School in Tahoua	6	2	8
Maradi Central School	5	3	8
Birni Boys' School in Zinder	5	5	10
Agadez Central School	2	2	4

257. The following table shows the number of children who participated in an adjustment programme as part of the project for the rehabilitation of persons with visual and other disabilities in Niger (PRAHN) during the period 2000-2006:

Table No. 21: Number of children who participated in a PRAHN adjustment programme

Year	*Type of service*	*Number of beneficiaries*
2000	Operated or fitted with a prosthesis	40
2001	Donation of corrective lenses, operated	748 and 51
2002	Operated/fitted with a prosthesis, rehabilitated	24 and 389
2003	Operated/fitted with a prosthesis, rehabilitated	21 and 250
2004	Rehabilitated, operated	363 and 8
2005	Rehabilitated, operated	452 and 22
2006	Rehabilitated, operated	382 and 69

Source: PRAHN.

258. The NGO Action pour Femmes Handicapées (AFEHA), with support from UNICEF, provided psycho-social and medical care for 167 women and children with physical or mental

disabilities in 2004 and 2005. Within this group of 167 persons with disabilities, vocational training and literacy courses were provided for 31 children, including 16 girls. In 2006, 15 women with disabilities and 30 children with hearing disabilities in the Urban Community of Niamey were offered support for social and occupational reintegration through literacy and dressmaking courses.

259. The NGO ACP, with support from UNICEF, took care of 114 children (57 girls and 57 boys) who had suffered disabilities from consuming water containing excessive fluoride in Tibiri in the Maradi region. The children were provided with the following services: literacy education, socio-occupational training, functional reintegration, healthcare, and support in obtaining equipment and supplies.

260. In collaboration with the Union Nationale des Aveugles du Niger (UNAN), an economic capacity-building workshop on bed and metallic chair production was held for 50 visually impaired persons in Tahou, and 64 deaf children and their families in Zinder were offered support in developing income-generating activities and in literacy education in 2005.

5. Difficulties encountered

261. Some disabilities tend to be regarded as shameful in Niger society. Children suffering from these disabilities may then be concealed by their parents. This situation makes it difficult to identify the children so that they may be offered support by childcare facilities.

2.6.3. Health and healthcare services (art. 24)

1. Follow-up measures

262. One pillar of the Government's Poverty Reduction Strategy consists in ensuring universal access to basic social services, including healthcare. With a view to attaining that objective, Niger's partnership with the United Nations system, in particular UNICEF and the World Health Organization (WHO), has been enhanced, primarily through the United Nations Development Assistance Framework. This document comprises three core areas of cooperation, one of which aims at ensuring universal access to basic social services.

263. The Government elaborated and adopted a Healthcare Development Plan covering the period 2005-2009 with a view to enhancing the effectiveness of healthcare activities. The Plan aims to increase healthcare coverage from 42 per cent in 2004 to 55 per cent in 2009, to reduce the infant mortality rate and the infant/child mortality rate by 25 per cent, and to improve the quality of healthcare for at least 80 per cent of the population.

264. With regard to action against excision and to retrain traditional practitioners, a retraining project for excisors was launched in 2000 in the regions where the practice is widespread. A consultation framework on violence against women and children was established to serve, on the one hand, as an early warning and intervention system for the authorities and, on the other, as a framework for dialogue between the authorities and their partners.

2. Measures of implementation

265. The following results have been achieved through implementation of the guidelines contained in the Poverty Reduction Strategy, action under the Special Programme of the President of the Republic and the State budget, and initiatives by diverse partners:

- Institutional restructuring of the central offices of the Ministry of Public Health and Action against Endemic Diseases in late-December 2004;
- Elaboration and adoption of a national Healthcare Development Plan (PDS) covering the period 2005-2009;
- Adoption of a national anti-malaria policy;
- Enhancement of access by the general public to high-quality health services and healthcare by the construction and conversion of basic healthcare facilities and the acquisition of equipment;
- Promotion of the Expanded Immunization Programme (PEV) and intensification of vaccination campaigns and action against childhood diseases;
- Enactment of legislation making certain health services available free of charge (caesarian sections, healthcare for vulnerable children under 5 years of age);
- Support for reproductive health activities, particularly family planning awareness campaigns, training courses, and operational research;
- Greater decentralization of the healthcare system (regional action plans and decentralization of financial resources);
- Enhanced community participation (cost recovery awareness campaigns, creation of committees on healthcare and on management of integrated healthcare centres);
- Capacity-building for strategic management of the healthcare sector;
- Establishment of nutritional recovery centres to deal with moderately serious and serious cases of malnutrition (CRENAM, CRENAS);
- Elaboration of local and communal healthcare development plans as part of the process of decentralization.

266. In the case of young people, action against sexually transmitted infections (STIs) and HIV/AIDS has focused on collaboration with NGOs in conducting peer awareness campaigns, especially in high-risk areas (gold-mining sites, shantytowns on the outskirts of Niamey).

267. These measures have lead to an improvement in health indicators in general and those relating to children in particular.

268. With regard to immunization, progress in implementing the Expanded Immunization Programme in general and in improving the coverage of all supplementary vaccination campaigns has been closely monitored by means of weekly meetings of the Core Group. The meetings have also led to improved cost-sharing among the financial partners. Sound organization of the various accelerated vaccination schedules throughout the country and intensification of technical and financial support among the partners involved have greatly enhanced the accessibility and use of vaccination services by the population, especially in areas that are not easily accessible.

3. Budgetary allocation

269. The investment budget of the Ministry of Health and Action against Endemic Diseases under the Finance Act for the financial year 2006 amounted to 12,701,235,000 CFA francs.

4. Statistical data

270. The preliminary findings of the third Niger demographic and health survey and multiple indicator cluster survey (EDSN/MICS-III, 2006) are described in the following paragraphs.

271. **Infant mortality and child mortality**: Marked declines were recorded in infant mortality and child mortality rates. The infant mortality rate and the child mortality rate (1-4 age group) declined from 123 and 172 per thousand respectively during the period 1993-1998 (EDSN II) to 81 and 126 per thousand during the period 2001-2006.

272. **Weight insufficiency**: According to the findings, 50 per cent of children suffer from chronic malnutrition, the majority (30 per cent) from severe malnutrition. The degree of growth delay increases very rapidly with age, rising from 6 per cent for infants under 6 months to 60 per cent for children between 12 and 59 months. The child's area of residence also leads to disparities, with a figure of 53 per cent being recorded for rural areas, compared with 31 per cent for urban areas.

273. Another finding is that 10 per cent of children are emaciated, with 2 per cent being severely emaciated. Emaciation is more common in rural areas than in urban areas.

274. **Access to drinking water**: In 2006 only 42.4 per cent of households had access to drinking water. The proportion of households with access to an adequate waste disposal system increased from 18.1 per cent in 2000 to 19 per cent in 2006.

275. **Child vaccination**: The aim of the Expanded Immunization Programme implemented by the Government is to ensure that all children are vaccinated against tuberculosis (BCG), diphtheria, tetanus and pertussis (three doses of DTP), polio (four doses, including one at birth) and measles.

Table No. 22: Percentage of one-year-old children having received a specific vaccination

BCG	*DTP1*	*DTP2*	*DTP3*	*Polio 0*	*Polio 1*	*Polio 2*	*Polio 3*	*Measles*
71.8	64	53.4	43.2	43.8	82.8	73.8	56.9	46.7

Source: EDSN/MIC III.

276, **Vaccination of children under five years of age**: The proportion of vaccinated children stood at 83.5 per cent in 2006. In terms of area of residence, the proportion of children having received at least one vaccination is lower in rural areas (81.5 per cent) than in urban areas (93.6 per cent). In Niamey, almost all children had received at least one vaccination in 2006 (97.3 per cent), compared with 81.2 per cent for other towns in Niger.

277. **Maternal mortality**: The maternal mortality rate is estimated at 561 per 100,000 live births, according to the findings of EDS/MICS III, which represents a decline of 16 per cent compared with the 1992 demographic and health survey, which recorded a rate of 671 per 100,000 live births. The main causes of maternal mortality are: postpartum haemorrhage, retroplacental haematoma and placenta praevia.

278. To reduce the maternal mortality rate, a Reproductive Health Act was adopted in 2006. The Act liberalizes contraception and authorizes abortion when the mother's health is at risk.

279. **Prenatal and postnatal care**: In 46 per cent of cases, expecting mothers sought prenatal advice from healthcare personnel. Visits to healthcare professionals were more frequent in the case of women living in urban areas. The proportion recorded in the survey was 88 per cent, compared with 39 per cent for women living in rural areas. However, this represented a marked increase in the frequency of prenatal care visits in rural areas, which stood at 30 per cent in 1998.

280. In 42 per cent of cases, expecting mothers received at least one anti-tetanus dose during pregnancy. In 45 per cent of cases, expecting mothers received iron in the form of syrup during pregnancy. These rates fail to reflect disparities between urban and rural areas. Thus, in the case of the anti-tetanus dose, the rates were 66.2 per cent and 37.2 per cent respectively for urban and rural areas. In the case of iron syrup, the rates were 73.5 per cent and 40.2 per cent respectively.

281. Delivery assistance by healthcare personnel declined from 44 per cent in 1998 to 33 per cent in 2006. The decline was more pronounced in rural areas, where the corresponding figures were 38 per cent in 1998 and 25 per cent in 2006.

282. **Proportion of children born in a healthcare establishment**: Only 17.2 per cent of births occurred at a healthcare establishment. The figures differ sharply in terms of area of residence, since a ratio of 69.5 per cent was recorded for urban areas and a ratio of 7.9 per cent for rural areas.

283. **Proportion of staff trained in delivery care and techniques in a hospital environment**: The ratio was one midwife for every 8,020 women of childbearing age, which corresponds to 655 midwives. The WHO standard is one midwife for every 5,000 women of childbearing age.

284. **Breastfeeding**: The practice of breastfeeding is very widespread n Niger: 99 per cent of children under the age of five months are breastfed. However, only 14 per cent of children in that age group depend exclusively on breastfeeding. The other children receive, in addition to their mother's milk, water (63 per cent), other liquids (2 per cent) and solid or boiled foods (12 per cent). The duration of breastfeeding is variable, ranging from 0 to 35 months.

285. **Prevalence of anaemia**: At the national level, 83.9 per cent of children suffer from some form of anaemia. The ratios corresponding to urban and rural areas are 77.7 and 85 per cent respectively.

286. The proportion of children suffering from severe anaemia is 7.1 per cent. With regard to area of residence, the prevalence of severe anaemia in children is also higher in rural areas (7.4 per cent) than in urban areas (5.3 per cent). The same applies to women, since the prevalence of severe anaemia in 2006 was 1.6 per cent in rural areas and only 0.9 per cent in urban areas.

287. **Children's nutritional status**: The weight-for-age indicator, which reflects both forms of malnutrition (chronic and circumstantial) in terms of weight insufficiency, shows that the percentage of malnourished children stood at 44.4 per cent in 2006, notwithstanding the adverse impact of the 2005 food crisis. The figures for malnourished children recorded in 2006 were 18.1 per cent and 33.6 per cent.

288. According to the joint Government/United Nations/NGO assessment conducted in March 2005, 800,000 children under the age of 5 were at risk of malnutrition, including 32,000 (4 per cent) who were at risk of severe malnutrition and 160,000 at risk of moderate malnutrition.

289. The nutritional survey undertaken by UNICEF and the Centers for Disease Control and Prevention (CDC) during the 2005 food crisis indicated a worsening of children's nutritional status: 15.3 per cent of children in Niger aged between 6 and 59 months were suffering from acute malnutrition. The prevalence of acute malnutrition exceeded the 10 per cent threshold in all regions of the country except Niamey; 50 per cent of children in the 6-59 months age group were affected by chronic malnutrition, and the mortality rate for children under 5 years of age was 1.7 deaths per 10,000 children per day; the emergency threshold of 2 deaths per 10,000 children per day was exceeded in the regions of Tahoua and Zinder.

290. **Prevalence of HIV/AIDS**: The HIV/AIDS prevalence rate in Niger among persons in the 15 to 49 age group was 0.7 per cent in 2006. This is one of the lowest rates in the world. It is 0.7 per cent for women and 0.8 per cent for men. The prevalence rate in the 15 to 19 age group is 0 per cent.

291. In 2004, 20,869 women, including 10,386 girls, and 502 teachers were trained in HIV/AIDS prevention. Reintegration and childcare support was provided to 290 AIDS orphans and their families. In 2006, assistance was provided to 111 AIDS orphans.

292. The following table shows the number of adolescents affected by sexually transmissible infections, mental disorders and drug addiction:

Table No. 23: Situation of adolescents affected by sexually transmissible infections, mental disorders and drug addiction

Genital ulcers	*Other STIs*	*Mental disorders*	*Drug addiction*[a]
4,301	4,562	1,007	375

a. The data for drug addiction do not cover the Urban Community of Niamey, for which the figures are not yet available.

5. Difficulties encountered

293. In the current circumstances, any significant improvement in the health and well-being of the children of Niger calls for action to contain population growth. The synthetic fertility index, which measures the average number of children born to a woman in Niger during her childbearing years, was 7.1 children in 2006. This fertility rate remains one of the highest in the world.

294. The proportion of married women using at least one modern method of contraception, about 5 per cent of the total in 2006, is still low. The ratio is also low compared with the countries of the subregion. Disparities exist in terms of area of residence: in 2006 the rate of use of contraceptive methods was 2.7 per cent in rural areas, compared with 18.2 per cent in urban areas. In Niamey the rate was 23.2 per cent, so that the situation in the capital differs quite sharply from that in the country's other towns, for which a rate of only 14.8 per cent was recorded on the same date.

295. Rumour-mongering by certain religious sects has limited the effectiveness of the Expanded Immunization Programme. For instance, it was rumoured in 2003-2004 that the purpose of the poliomyelitis vaccination was to reduce the number of births. The rumour was eventually quashed thanks to the involvement of traditional leaders at the local and subregional level. These meetings offered the traditional leaders an opportunity to exchange views and commit themselves to addressing the public health problem, as a result of which coverage was extended to a larger number of children.

296. Other constraints pertaining to child vaccination are: (a) the size of the territory to be covered; (b) the mobility of population groups, especially nomads; (c) inadequate geographical accessibility of healthcare training; (d) the shortage of public-sector healthcare professionals; (e) the ageing vehicle fleet; (f) illiteracy and poverty; (g) the inadequacy and age of some of the cold-chain equipment (polio vaccine carriers, refrigerators, etc.).

2.6.4. Social security and childcare services and facilities (art. 26 and art. 18, para. 3)

297. Social security is organized by law and implemented by a public body called the National Social Security Fund. The Fund's services include prenatal care for women and the payment of quarterly family allowances to parents. While access to prenatal care benefits is open to all children, access to family allowances is reserved for children of wage and salary earners in the organized sector.

298. It should be noted that a separate social security system developed by insurance companies in the private sector offers services such as coverage of the medical expenses of policyholders and their children.

299. Childcare facilities are usually set up by private promoters or by associations and NGOs. Such facilities are located in urban centres, especially in the Urban Community of Niamey. A total of 13 childcare facilities have been identified, namely: Guidan Yara; Les Cigognes; Les Nounous; La Clairvoyance; Zankey Muzudan; Rond point Rive droite; Gaweye Missionnaire; KOO-MA Wadata; Premier pas; Ecodie; Clos Djerma; Cité des enfants; Alliance.

300. Among these establishments, the Guidan Yara childcare facility in Niamey has semi-private status. It provides children between 2 and 3 years of age with the following services:

- Healthcare (child growth monitoring, treatment);
- Introduction to rules of hygiene;
- Nutrition monitoring (with menu);
- Games, early learning activities (drawing, painting…);
- Psychomotor activities (development of the senses, orientation in space and time…);
- Educational games;
- Group games, excursions.

301. The facility took in 97 children in 2005-2006 and 106 children are currently enrolled (2006-2007; 57 girls and 49 boys).

302. Initiatives involving community childcare facilities are currently under way in other regions of the country, particularly in Dosso, Tahoua, Tillabéry and Zinder.

303. In general, parents who are wage or salary earners hire domestic employees to look after their children, usually girls from neighbouring countries or rural areas of Niger.

304. The difficulties encountered by childcare facilities stem from the lack of regulations governing their organization and the low level of collaboration between the Ministry of Basic Education and Literacy and the Ministry for the Advancement of Women and Protection of Children.

2.6.5. Standard of living (art. 27, paras. 1 to 3)

1. Follow-up measures

305. In the context of implementation of the Poverty Reduction Strategy and the Special Programme of the President of the Republic, numerous activities were undertaken in a variety of areas with a view to raising the standard of living of the population in general and of children in particular, as reflected, for example, in the rising education and health indicators. Although significant progress has not been made in ensuring access to an adequate waste disposal system, an increase has been recorded from 18.1 per cent in 2000 to 19 per cent in 2006.

2. Measures of implementation

306. In 2002 the Government developed the Poverty Reduction Strategy after wide-ranging consultations with its different partners. The Strategy is a consistent economic and social policy combined with macroeconomic measures.

307. The process of implementation of the Poverty Reduction Strategy is continuing, for instance through the development or finalization of sectoral policies and strategies, such as the following:

- Adoption of the national urban development strategy;
- Adoption of the national microfinance policy;
- Adoption of the Healthcare Development Plan;
- Adoption of the framework programme for the occupational integration of young people ;
- Adoption of the national policy on vocational and technical education and training;
- Adoption of the Ten-Year Educational Development Programme;
- Development of the National Plan of Action for the Survival, Protection and Development of Children;
- Continuation of the Expanded Immunization Programme;
- Adoption of the National Plan of Action for the Prevention of Child Labour;
- Elaboration of the Integrated Development Plan for Early Childhood;
- Initiation of work on the national employment policy;
- Review of the national population policy and its integration into the Poverty Reduction Strategy Paper;
- Finalization of the national gender policy;
- Finalization of the national community development policy.

308. In addition, numerous projects and programmes aimed at operationalizing the Poverty Reduction Strategy have been implemented or are currently being implemented.

309. The Strategy is currently being reviewed with a view to consolidating macroeconomic stability and stepping up policies aimed at poverty reduction and achievement of the Millennium Development Goals.

310. With a view to prohibiting harmful traditional practices, the revised Criminal Code adopted in 2003 classified excision as a criminal offence punishable with terms of imprisonment and fines. The NGO CONIPRAT, in partnership with the association of traditional leaders, has been conducting information, training and awareness-raising campaigns against excision and other harmful traditional practices for a number of years. The NGO is also involved in retraining excisors to engage in income-generating activities.

2. Budgetary appropriation

311. The first two stages of the Special Programme of the President of the Republic cost about 47.5 billion CFA francs.

312. The following table shows the estimates contained in the plan of action (2002-2005) for the Poverty Reduction Strategy:

Table No. 24: Estimates relating to the plan of action for the Poverty Reduction Strategy

	2002	*2003*	*2004*	*2005*	*Total 2002-2005*
Priority sectors	230,719	254,528	271,654	278,627	1,035,528
Other sectors	28,447	31,752	33,122	28,911	122,232
Grand total	**259,166**	**286,280**	**304,776**	**307,538**	**1,157,760**

Source: Poverty Reduction Strategy.

3. Difficulties encountered

313. The major difficulty encountered in action to raise the standard of living is the rate of population growth, which is (as already noted) one of the highest in the world. The resulting increase in needs cannot be met by the resources mobilized to address current needs.

2.7. Education, leisure and cultural activities (arts. 28, 29 and 31)

2.7.1 Education, including vocational training and guidance (art. 28)

1. Follow-up measures;

314. Since 1999 the budget allocated to (primary and secondary) education has grown steadily each year. The growth in the education budget is much more pronounced in the case of basic education, which comprises literacy education, pre-school education and basic schooling 1.

315. This increase in the education budget has led to a reduction in the disparities between boys and girls, on the one hand, and between urban and rural areas, on the other. It is backed up by other activities, including the following: establishment of the Directorate for Promotion of the School Enrolment and Training of Girls; the organization of awareness-raising campaigns on schooling for girls; the introduction in 2003 of excellence awards for girls obtaining the best results in the sixth grade entrance examination and in the certificate awarded on completion of the first cycle of secondary education; the organization of training courses in gender approaches, in teaching of negotiation skills, and in information, education and communication (IEC); the development and launching of local action plans for the enrolment of girls; the establishment of “associations of mother educators” in every school. The following table shows enrolment trends in the basic education cycle:

Table No. 25: Enrolment trends in the basic education cycle

	1999-2000	*2000-2001*	*2001-2002*	*2002-2003*	*2003-2004*	*2004-2005*	*2005-2006*
Boys	39	45	50	54	60	62	63
Girls	27	30	33	37	40	43	44
Urban	51	51	52	53	54	57	57
Rural	28	32	38	43	48	51	52

Source: Educational Statistics Yearbook, 2005-2006.

316. With regard to basic education infrastructure, the number of schools and classrooms increased respectively by 16 per cent and 14 per cent between 1999 and 2005 in rural areas, compared with 8 per cent and 7 per cent in urban areas.

317. As a result of the restructuring of teacher training colleges and the introduction of a gradual training programme for unqualified teachers, a downward trend in this professional category was recorded. Teachers in this category, who accounted for 27 per cent of teaching staff in 2001-2002, accounted for only 10 per cent of such staff in 2004-2005.

318. Early childhood or pre-school education has been expanding in both urban and rural areas following the establishment of four pre-school inspectorates and, in particular, the creation of community kindergartens run by the community with support from development partners.

2. Measures of implementation

319. The right to education was maintained in the new Constitution. The corresponding legislative enactment, Act No. 98-12 of 1 June 1998 setting out the aims of Niger's education system, was also maintained.

320. The Poverty Reduction Strategy adopted by the Government in 2002 identified the promotion of education as a priority poverty reduction goal. The following tables shows the relevant target figures.

Table No. 26: Enrolment ratios in 2001 and target ratios for 2005 and 2015

Educational indicators	*Reference situation 2001*	*Target 2005*	*Target 2015*
Gross primary enrolment ratio	37.3%	45%	84%
Gross primary enrolment ratio in rural areas	32 %	43%	84%
Enrolment ratio for girls	29.6%	42%	84%
Literacy ratio	19.9%	28%	44%
Primary completion rate	24.5%	44%	85%
Rate of access to first year of primary schooling	40 %	63%	100%
Primary retention rate	54%	69%	85%
Gross secondary enrolment ratio	13%	18%	28%
Ratio of children attending rural secondary schools to the overall secondary school population	19%	25%	49%

Educational indicators	*Reference situation 2001*	*Target 2005*	*Target 2015*
Ratio of children enrolled in technical and vocational education to the overall secondary school population	8%	20%	50%
Teacher-pupil ratio in early childhood education	1%	3%	10%
Redirection of 20% of secondary school students to practical vocational training courses	-	-	-
Laying the foundations for higher education reform	-	-	-

Source: Poverty Reduction Strategy Paper.

321. With a view to implementing all these objectives, a Ten-Year Educational Development Programme (PDDE) was drawn up in 2002. Activities under this Programme, combined with initiatives under the Education for All Action Plan and the building of 1,000 classrooms each year under the Special Programme of the President of the Republic have led to a gradual improvement in the gross enrolment ratio.

322. With a view to further stimulating the enrolment of girls, it is planned, inter alia, to revise existing curricula in order to eliminate sexist stereotypes. There are also plans to revitalize the legal framework that ensures protection for girls against the abduction of minors.

323. Furthermore, the Ten-Year Educational Development Programme (PDDE) aims at achieving an enrolment ratio of 80 per cent by 2012 and lays special emphasis on narrowing the gap between girls and boys.

324. The Government has also drafted a policy paper on integrated early childhood development in the area of non-formal education.

325. At the community level, the following may be noted: (a) the establishment of 12 community training and development centres in 2005-2006; (b) increased participation in improving educational quality and access to education through the creation of school management committees (COGES) in each establishment. The committees are composed of parents of pupils, teachers and the pupils themselves. They are responsible for managing school equipment and discussing all problems that might hamper the smooth conduct of the school's activities. The aim of the COGES committees is to improve school management by involving all stakeholders in the process.

326. Mothers are organized in the associations of mother educators (AME) in order to support sound schooling at the community level.

3. Budgetary allocation

Table No. 27: Developments in the education budget

Budget (in millions of CFA francs)	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*
Education budget	26 435	28 044	23 582	34 986	48 429	56 013	59 275

Budget (in millions of CFA francs)	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*
General budget	217 282	212 625	240 178	406 993	407 894	450 246	456 720
Share of education budget in general budget	12.2%	13.2%	9.8%	8.6%	11.9%	12.4%	13%

Source: Educational Statistics 2005-2006.

327. Under the 2006 Finance Act, the investment budget of the Ministry of Basic Education and Literacy totalled 22,592,724,000 CFA francs, while that of the Minister of Secondary and Higher Education totalled 656,704,000 CFA francs.

4. Statistical data

328. The gross enrolment ratio, which stood at 37.30 per cent in 2001, with a tendency to decline between the primary cycle and the first cycle of secondary education, had risen to 52 per cent by 2005, so that an increase of 15 points was recorded in four years.

Table No. 28: Trend of the gross enrolment ratio (in percentage terms)

Year	*1999-2000*	*2000-2001*	*2001-2002*	*2002-2003*	*2003-2004*	*2004-2005*
Total	34	37	42	45	50	52

Source: Educational Statistics.

329. An upward trend is also discernible in the enrolment ratio and the rate of admission to the first cycle of secondary education, for which rates of 14.9 per cent and 25.3 per cent were recorded during the period 2004-2005.

330. The intensive enrolment policy pursued for a number of years has resulted in a very significant increase in the number of basic education classrooms and establishments. The number of establishments more than doubled in five years.

Table No. 29: Number of classrooms and educational establishments

Year	*Establishments*			*Classrooms*		
	Rural	*Urban*	*Total*	*Rural*	*Urban*	*Total*
1999-2000	3,477	635	4,112	8,996	4,464	13,460
2000-2001	4,222	682	4,904	10,348	4,717	15,065
2001-2002	5,238	737	5,975	12,432	5,066	17,498
2002-2003	5,994	776	6,770	14,041	5,455	19,496
2003-2004	6,705	827	7,532	15,368	5,654	21,022
2004-2005	7,380	921	8,301	17,155	6,227	23,382

Source: Educational Statistics.

331. The number of pre-school establishments also more than doubled between 1999 and 2004. This was due to the gradual introduction of such establishment into rural areas. While pre-school establishments in rural areas accounted for only 19 per cent of the total for the country in 1999, they accounted for more than 30 per cent of the total in 2004.

Table No. 30: Number of pre-school establishments

Year	*Establishment*	*Classrooms*
1999-2000	141	460
2000-2001	155	475
2001-2002	193	505
2002-2003	222	547
2003-2004	253	594
2004-2005	307	612

Source: Educational Statistics.

332. With regard to literacy education, the 2005-2006 campaign resulted in the establishment of 1,263 literacy centres with 32,252 students, including 22,538 women, i.e. 70 per cent.

333. With regard to basic cycle 2, which is the first cycle of secondary education in which children in the 13 to 16 age group are enrolled, a rapid increase in numbers was recorded as a result of heavy pressure from children who had completed primary education, as may be seen from the following table:

Table No. 31: Developments in basic cycle 2 (public + private)

Basic Cycle 2		*2001-02*	*2002-03*	*2003-04*	*2004-05*	*2005-06*
Establishments	Public Number	220	211	248	306	361
	Public + private Number	246	286	330	391	460
Divisions (classes)	Public Number	1,815	1,751	2,400	2,633	3,118
	Public + private Number	2,041	2,054	2,492	2,960	3,552
Teachers	Public Total number	2,006	2,113	2,644	2,919	4,419
	Number of women	513	550	625	679	732
	Percentage	25.6%	26%	23.6%	23.3%	16.6%
	Public + private Total number	2,375	2,422	3,003	3,145	5,171
	Number of women	549	573	649	694	980
	Percentage	23.1%	23.7%	21.6%	22.1%	19%
Pupils	Public Total number	80,226	93,407	121,751	138,604	163,360

Basic Cycle 2		*2001-02*	*2002-03*	*2003-04*	*2004-05*	*2005-06*
	Number of girls	30,807	36,235	46,545	54,395	62,737
	Percentage	38.4%	38.8%	38.2%	39.2%	38.4%
	Public+ private Total number	92,463	107,330	135,073	151,593	179,721
	Number of girls	36,394	42,610	52,831	59,836	69,951
	Percentage	39.4%	39.7%	39.1%	39.5%	38.9%

Source: Educational Statistics.

334. The number of students enrolled in basic cycle 2 has almost doubled since 2001/02, rising from 92,423 to 179,721 in 2005/06. The number of students rose by 28,128 in 2005/06 compared with 2004/05, an increase of 18.6 per cent. Of this total, 8.21 per cent, or 14,759 students, are enrolled in Franco-Arabic education and 9.1 per cent, or 16,631 students, are enrolled at a private establishment. Since 2001/02, 141 new public establishments (lower secondary schools (CEGs) and complexes) have been opened, including 55 at the beginning of the 2005 academic year.

335. The number of public-sector teachers has steadily grown. In the case of lower secondary schools, there were 2,006 teachers in 2001/02, 2,919 in 2004/05 and 3,317 in 2005/06, which represents an increase of 65.4 per cent over the period and of 19.8 per cent in one year. If upper secondary school teachers are added to this total, the figure for basic cycle 2 in 2005/06 was 4,419 teachers, of whom 16.6 per cent were women.

336. However, the rapid increase in educational supply and demand in recent years has had only a limited impact on educational coverage because of the even larger number of children who are not yet enrolled. Thus, the students enrolled in basic cycle 2 in 2005/06 represented only 17.1 per cent of all children in the relevant age group (13-16 years), notwithstanding an increase of 2.2 points in the gross enrolment rate in a one-year period.

Table No. 32: Gross enrolment ration in basic cycle 2 (public + private)

Academic year	*Gross enrolment ratio (%)*			*Parity index G/B*
	Total	*Boys*	*Girls*	
2000-2002	10.0	12.8	7.5	0.58
2002-2003	11.2	14.3	8.5	0.59
2003-2004	13.7	17.6	10.2	0.58
2004-2005	14.9	19.0	11.1	0.59
2005-2006	17.1	22.3	12.5	0.56

Source: Educational Statistics.

337. The net enrolment ratio was 12.4 per cent in 2005/06, compared with 10.6 per cent the previous year, which represents an increase of 1.8 points.

338. While enrolment in basic cycle 2 has almost doubled since 2001/02, the number of new students admitted to the sixth grade has more than doubled, recording an average annual growth

rate of 28.6 per cent. In 2005/06, 70,116 new students were enrolled in basic cycle 2, representing 39 per cent of the total.

339. In terms of equity, the target for 2015 is to move towards rural/urban parity in the total number of students enrolled in basic cycle 2 as well as parity between girls and boys. In 2005/06 the number of students enrolled in rural areas (57,549) accounted for 32 per cent of the total, compared with 29.6 per cent in 2004/05, which represents an increase of 2.4 points.

340. The number of girls enrolled increased from 59,836 in 2004/05 to 69,951 in 2005/06, which represents an increase of 16.87 per cent. However, this increase is 2.2 points lower than the annual average rate of increase for the enrolment of girls recorded since 2001/02, which totals 23.5 per cent. Girls now represent 38.9 per cent of the total number of students enrolled and 23.35 per cent (16,327 students) of those enrolled in rural areas.

Table N. 33: Girls enrolled in basic cycle 2 (public + private)

Year	*Enrolment*		
	Total	*Girls*	
		Number	*%*
2001-2002	92,463	36,394	39.4 %
2002-2003	107,330	42,610	39.7%
2003-2004	135,073	52,831	39.1%
2004-2005	151,593	59,836	39.5%
2005-2006	179,721	69,951	38.9%

Source: Educational Statistics.

341. In terms of effectiveness, the number of repeat students, who totalled 31,571 in 2005/06, represented 17.6 per cent of students enrolled in basic cycle 2, compared with 18.8 per cent in 2004/05. The repeat ratio has been falling steadily since 2001/02. It may also be noted that the proportion of girls repeating is not greater than the proportion of boys.

Table No. 34: Repeat students in basic cycle 2 (public + private)

Academic year	*Number of students enrolled*			*Repeat students*					
				Number			*Percentage*		
	Boys	*Girls*	*Total*	*Boys*	*Girls*	*Total*	*Boys*	*Girls*	*Total*
2001-2002	56,069	36,394	92,463	12,681	8,627	21,308	22.6	23.7	23.0
2002-2003	64,720	42,610	107,330	13,368	9,064	22,432	20.7	21.3	20.9
2003-2004	82,442	52,831	135,273	3,859	3,594	7,453	4.7	6.8	5.5
2004-2005	91,757	59,836	151,593	17,496	10,972	28,468	19.1	18.3	18.8
2005-2006	109,770	69,951	179,721	19,311	12,260	31,571	17.6	17.5	17.6

Source: Educational Statistics.

5. Shortcomings noted

342. *The aim of transferring responsibilities from the central to the territorial authorities* has not yet been achieved in the area of education, although decentralization of school management is likely to result in greater effectiveness of educational and training activities.

343. Furthermore, the supply of education still falls well short of demand notwithstanding the vigorous action taken.

344. Other shortcomings relate to: (a) persistent boy/girl and rural/urban disparities despite the increase in the number of girls enrolled; (b) a school environment that is not conducive to a high-quality learning process, primarily owing to poor hygiene and sanitation; (c) the impact of food vulnerability on school attendance; (d) a supply of student intake facilities that falls short of demand and the goals pursued; (e) a budgetary allocation that fails to keep pace with population growth.

2.7.2 Aims of education (art. 29), including in terms of the quality of education

1. Follow-up and implementation measures

345. The State is taking action, with support from its various partners, to improve the quality of education, especially through in-service training for teachers and the provision of education kits.

346. In the context of this action, the Government adopted Decree No. 2000-457/PRN/MEN of 8 December 2000 laying down environmental, technical and teaching standards in respect of basic and intermediate educational premises and equipment.

2. Shortcomings noted

347. The quality of education in general, and of basic education in particular, is still poor in Niger due to the employment by the State of unqualified teachers who are cheaper to recruit and the decline in State support for school supplies.

2.7.3. Rest, leisure, play and cultural and artistic activities (art. 31)

1. Follow-up measures

348. The right of every individual to free cultural and intellectual development has been maintained in the Constitution. The relevant legal and institutional framework, which was described in the preceding report, is still in force. The following facilities and events have been added to those mentioned in the initial report: (a) new infrastructure established by the State in connection with the organization of the 2005 Francophonie Games; (b) infrastructure established by the territorial authorities; (c) the organization every second year since 2000, in a different region on each occasion, of the National Youth Festival; (d) the organization since 2006, in a different region each year, of the Festival of the Republic (18 December); (e) the Day of the African Child (16 June); (f) the Children's Festival (Sukabe) organized in a different venue each year.

2. Difficulties encountered

349. The creation and maintenance of facilities designed to assist children in developing their personalities call for sizeable financial resources which are not always available, given the difficult financial situation confronting the central and territorial authorities.

2.8. Special protection measures

2.8.1. Children in emergency situations

2.8.1.1. Refugee children (art. 22)

1. Follow-up measures

350. Refugee status in Niger is granted by the Ministry of the Interior on the basis of an opinion from the National Commission on Eligibility for Refugee Status composed of representatives of the Government, the United Nations system and civil society organizations.

351. At present, 335 refugees are officially registered in Niger. The central authorities (Refugee Directorate) are responsible for the refugees' administrative situation, while the NGO Caritas développement (CADEV) attends to matters pertaining to material and financial assistance.

352. Children born in Niger to refugee parents are registered at the civil status centres in the normal way.

353. There has been sustained cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). The Office provides the Refugee Directorate and the NGO Caritas développement (CADEV) with the financial support they need to discharge their tasks.

2. Measures of implementation

354. Refugee children benefit from measures of protection, particularly in the area of education. In 2006 educational support for refugee children led to the enrolment of: (a) 43 children in the primary cycle; (b) 38 children in the secondary cycle; (c) 17 children in technical training establishments or apprenticeships; (d) 8 children in higher education establishments.

355. On another level, it may be noted that the legislation governing residence by foreigners in Niger provides for leniency in the case of children under 15 years of age. A foreign child under 15 years of age who wishes to stay in Niger for a period of not more than three months is not subject to any formalities. On the other hand, foreigners over 15 years of age are required, within three months of entering Niger or, if already resident, not more than 90 days after the date of attainment of the age of 15 years or 90 days after losing Niger nationality, to submit an application for a residence permit to the police station in their place of residence, on the basis of which they will be authorized to stay in Niger.

2.8.1.2. Children in armed conflicts (art. 38)

1. Follow-up measures

356. The implementation of the project for the reintegration of former combatants and of a large number of NGO initiatives on behalf of persons displaced by the Touareg and Toubou rebellions has greatly improved the health and educational circumstances of their children.

2. Measures of implementation

357. Niger ratified the Optional Protocol to the Convention on the involvement of children in armed conflict in 2003. Following ratification, numerous training courses were organized on behalf of national armed forces personnel, especially the contingents involved in peacekeeping in the Republic of Côte d'Ivoire. Modules concerning the protection of children before, during and after armed conflicts have been published by UNICEF in collaboration with the NGO School as an Instrument of Peace (EIP) and incorporated in basic training courses at all levels of the Armed Forces of Niger and the National Gendarmerie.

2.8.2. Children in conflict with the law

2.8.2.1. Administration of juvenile justice (art. 40)

1. Follow-up measures

358. Following the introduction of juvenile courts, a partnership framework was established between the State structures responsible for child protection, NGOs and development partners. Thanks to this partnership, a large number of activities aimed at brining existing practices in Niger into conformity with the provisions of the Convention have been conducted.

359. In 2001 four Educational, Judicial and Preventive Services (SEJUPs) were created in Niamey, Maradi, Zinder and Gaya by the juvenile justice project with financing from the French cooperation agency, UNICEF and the Danish and Swiss cooperation agencies.

360. In 2005 four new SEJUPS were created with funding from UNICEF. The services support juvenile judges in monitoring children in conflict with the law and children at risk. Following the withdrawal of the financial partners, a process aimed at ensuring the durability of the SEJUPs was launched in 2005. The process involved converting the existing structures into State services (State SEJUPs). During the same year, four new SEJUPs were created (one in Dosso, two in Niamey and one in Agadez) with UNICEF funding.

361. In addition, 11 local committees chaired by juvenile judges and composed of all juvenile justice stakeholders (police and gendarmerie officers, prosecutors, social workers), including NGOs working on behalf of children in difficulty, were established. The purpose of these local committees is to engage in consultations on matters relating to children.

362. The following activities were also undertaken in the context of the above-mentioned partnership:

(a) 230 police officers attended training courses in August 2006 in children's and women's rights;

(b) Logistic facilities (one all-purpose vehicle and three all-purpose motorcycles) and three computers were made availably by UNICEF to the central minor protection service (minors brigade);

(c) The Directorate General of the National Police Force organized training courses, with UNICEF funding, for all the country's police squads in child trafficking issues and in the provisions of the Order establishing juvenile courts.

2. Measures of implementation

363. Order No. 99-11 of 14 May 1999 concerning the establishment, composition, organization and jurisdiction of juvenile courts established a juvenile court division in every regional court (serving all regions and some departments) or district court (at the departmental level). In other words, these courts now exist at every ordinary court of law. They have been operating since 1999 and the judges who preside over them are appointed. Of the 206 judges holding office in Niger in 2006, 41 were juvenile judges.

364. The general rules governing respect for human rights during legal proceedings are also applicable to minors. Moreover, Order No. 99-11 of 14 May 1999 concerning the establishment, composition, organization and jurisdiction of juvenile courts lays down special rules and procedures governing minors.

365. Minors who commit criminal offences are tried by a special court known as the juvenile court. This court is located at the premises of each regional and district court. It is also empowered to decide on measures of protection on behalf of minors when their health, safety or morals are at risk, or when the conditions pertaining to their education or upbringing are seriously jeopardized. Minors under 13 years of age are not criminally responsible, but measures of protection may be ordered on their behalf by the juvenile judge.

366. Any minor who is subject to legal proceedings must be assisted by a lawyer or an officially assigned public defender. Moreover, minors are subject only to investigation proceedings, which involve making inquiries about their character and family environment with a view to determining the most appropriate social reintegration measures. The judge is required to order a medical examination of the minor and, if necessary, a psychiatric or psychological medical examination.

3. Statistical data

367. A total of 205 persons under 18 years of age were questioned by the security forces in 2006 on account of being in conflict with the law. Some of these cases led to legal proceedings. In those circumstances, legal assistance was systematically provided to the minors in question, in keeping with the legal provisions in force.

368. A review of the activities undertaken by the SEJUPs between 2001 and 2004 shows that support was provided to 2,424 young people and that meetings were arranged with 1,027

families. Some of the young people concerned underwent educational monitoring, were placed in apprenticeships or were returned to their families. The relevant figures are shown in the following table:

Table No. 35: Situation of young people subject to SEJUP educational monitoring

Educational monitoring	*Placed in apprenticeship*	*Returned to families*
991	301	300

Source: Department for Child Protection.

4. Difficulties encountered

369. While all juvenile courts provided for by the legislation have been established, it has to be acknowledged that the qualifications of the judges presiding over them have not been enhanced. Since the establishment of the courts, only ten judges have benefited from specific training. This doubtless accounts, at least partially, for the fact that juvenile judges tend to give priority to the punitive dimension of their task and neglect the goal of protection of minors, which should be a core ingredient of their adjudicatory work. For instance, the 82 minors brought before the juvenile court at Niamey regional court in 2005 were all ordered by the judge concerned to stand trial. The same applies to the 83 minors brought before the court in 2006.

370. This situation is encouraged by the lack of specialized training staff and the virtual non-existence of State placement facilities. For instance, the Niamey regional court, Niger's largest court, employs only two social workers. It has only three placement facilities in its area of jurisdiction, one of which is public, while the other two are run by NGOs.

371. As the police have not received adequate training in what constitutes the mission of a juvenile court, they usually only refer children to the court who are perpetrators of or accomplices to criminal offences. During the whole of 2006, the juvenile court at Niamey regional court ordered protection measures on behalf of only 30 children.

372. In view of the accumulation of State arrears of payments due to doctors, the latter rarely respond to requests for expert opinions addressed to them by juvenile judges.

2.8.2.2. Children deprived of their liberty, including children subjected to any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))

1. Follow-up and implementation measures

373. Order No. 99-11 prescribed reduced periods of pre-trial detention for juveniles. Thus, pre-trial detention for a minor offence may not exceed three months, while pre-trial detention for a criminal offence is limited to one year.

374. The Judicial Reform Support Programme (PARJ) launched in 1999 with the support of Niger's principal financial partners includes plans to build and reconstruct penitentiary facilities so that, for instance, there is a separate juvenile wing in every prison. Juvenile wings already exist in the prisons of Agadez, Maradi, Niamey and Tillabéry. Others are being built in Arlit, Dosso and Zinder.

2. Difficulties encountered

375. Although the lawyers and officially assigned counsel who assist minors generally ensure that the courts comply with the legal provisions governing pre-trial detention of juveniles, their effectiveness is hampered by the fact that there is no judge responsible for the execution of sentences, whose duties would broadly consist in monitoring the legal enforcement of custodial sentences. Moreover, most lawyers in Niger are based in Niamey.

376. Pending implementation of the "infrastructure" component of the PARJ programme, most prisons still have no separate wing for minors, who are held in the same block as adult inmates.

377. The Dakoro centre, which was supposed to cater for juvenile detainees and to provide for their reintegration into society, has been in a state of almost total neglect for a number of years.

2.8.2.3. Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37)

1. Follow-up and implementation measures

378. Article 33 of Order No. 99-11 of 11 May 1999 stipulates that in cases where a minor under 18 years of age has acted knowingly, the penalties imposed shall be as follows:

- If the acts committed by the minor are punishable by the death penalty or life imprisonment, the minor shall be sentenced to a term of no more than 10 to 30 years;

- If the acts committed by the minor are punishable with a term of imprisonment of 10 to 30 years, the minor shall be sentenced to a term of between 2 and a maximum of 10 years;

- If the acts committed by the minor are punishable with a penalty for a misdemeanour or petty offence, the minor shall be sentenced to only half of the penalty that would have been imposed on a convicted person over 18 years of age.

379. The higher courts are responsible for overseeing compliance with these legal provisions by the lower courts. The lawyer or officially assigned counsel assisting the minor monitors the effectiveness of such oversight.

2. Difficulties encountered

380. The fact that there is no judge responsible for the execution of sentences hampers the effectiveness of such oversight, so that minors are sometimes held in custody for a longer period than that prescribed by law.

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

1. Follow-up and implementation measures

381. During the investigation stage, the court can order that a juvenile charged with an offence should be placed in the care of:

- His or her parents, guardian, care provider or any other trustworthy person;
- A shelter;
- An educational, vocational training or healthcare establishment or institution run by the State or by an authorized public-sector body;
- A child welfare service or a hospital.

382. With regard to the return of minors to their parents, between 2005 and 2006 the juvenile court at Niamey regional court ordered that 18 children should be returned to their parents.

383. Where the physical or psychological state of the minor is deemed to require close observation, the court may order that a minor should be placed temporarily in an authorized observation centre.

384. At the trial stage, it should be noted that juvenile court hearings are not open to the public in order to protect the minor from social stigmatization.

385. Furthermore, even if the minor is found guilty, the court can:

- Discharge the minor if it is found that he or she has been rehabilitated, that the damage has been made repaired and that the disturbance resulting from the offence has ceased;
- Adjourn the passing of a sentence for a maximum of one year, if it is found that he or she in undergoing rehabilitation, that the damage is being repaired and that the disturbance resulting from the offence has ceased;
- Require the minor to perform community service;
- Reprimand the minor;
- Order a protection measure, which will be monitored by the juvenile judge.

386. At all events, court decisions concerning a minor should on no account be entered in criminal record bulletin No. 3.

2. Difficulties encountered

387. The involvement of some minors in certain very serious offences sometimes makes it difficult to apply rehabilitation or social reintegration measures on their behalf.

388. The non-effectiveness of community service means that this form of alternative penalty is not yet available for minors, although the details of its implementation have been laid down in Decree No. 2006-23/PRN/MJ of 20 January 2006. The officials responsible for implementing the Decree have been trained and remand centres have been identified, but this option has not yet been adequately taken into account in judicial practice.

2.8.3. Children in situations of exploitation, including their physical and psychological recovery and their social reintegration (art. 39)

2.8.3.1. Economic exploitation, including child labour (art. 32)

1. Follow-up measures

389. The National Plan of Action for the Prevention of Child Labour was adopted in 2000 and is currently being revised in order to incorporate new data and reflect developments in the fight against child labour.

390. Progress in building the capacity of the country's labour inspection services and of other bodies responsible for implementing the legislation has not been achieved at the rate envisaged owing to the financial constraints under which the State is operating. However, thanks to the partnership with UNICEF and the International Labour Office (ILO), labour inspectors have been trained in: (a) the International Labour Organization (ILO) Convention concerning the Minimum Age for Admission to Employment, 1973 (No. 138); (b) the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182); the Convention on the Rights of the Child; (d) techniques for the design, development and implementation of programmes of action against child labour.

391. The ratification of ILO Convention No. 182 and the enactment of a law against slavery paved the way for the implementation of activities aimed at eliminating the worst forms of child labour.

392. To promote access to education for older children who have to work for a living, the Labour Code provides for apprenticeships. Furthermore, vocational training programmes have been introduced under certain action programmes implemented on behalf of children who have been removed from the worst forms of labour.

393. The International Labour Office offers assistance for action against the economic exploitation of children under the three programmes mentioned below. However, the resources that have been mobilized fall short of the amount required.

2. Measures of implementation

394. The following measures have been taken:

- Ratification of ILO Convention No. 182;
- Reflection of the provisions of Convention No. 182 in the draft implementing regulations relating to the Labour Code submitted to the Government for adoption;
- The introduction in Niger of the ILO programme of action against child labour, i.e. the International Programme on the Elimination of Child Labour (IPEC);
- Training and awareness-raising activities on behalf of different social strata in fundamental labour principles and rights.

3. Budgetary allocation

395. Three programmes of action against child labour are currently being implemented by ILO/IPEC. The following resources have been allocated to the programmes:

- A sum of US $3 million has been allocated to the regional programme of action against child labour for the period 2006-2010. The programme covers eight countries: Niger, Burkina Faso, Mali, Senegal, Togo, Benin, Morocco and Madagascar;

- A sum of US $430,000 has been allocated to the national programme of action against child labour (2002-2007);

- A sum of US $3 million has been earmarked for the first stage of the regional programme "vocational training and apprenticeships" (2005-2007).

4. Statistical data

396. According to the EDSN-MICS III survey, 10 per cent of children in the 5-14 age group have worked on behalf of a person not belonging to their household. The vast majority (8 per cent) have worked for less than four hours a day and received no wages for their work. More than one child in ten (12 per cent) has worked in the fields or in a family business. Moreover, 38 per cent of children have been engaged in domestic work, 8 per cent for more than four days a day and 30 per cent for less than four hours a day.

397. Similar proportions of girls and boys are involved in domestic work (37 per cent and 39 per cent) and the same applies to work on behalf of an employer (10 per cent for each sex).

398. The child's area of residence is associated with major disparities in terms of work within the household (domestic work); 40 per cent of children in rural areas, compared with 33 per cent of children in urban areas, perform domestic work within the household. In particular, 13 per cent of children in rural areas, compared with 6 per cent of children in urban areas, work in the fields or in a family business.

399. These working children, including those engaged in domestic activities, are less likely to be enrolled in school and more likely to drop out.

400. An ILO/IPEC national survey of child labour and the worst forms of child labour is planned for 2007 under the regional programme of action against child labour.

401. The following are some of the results achieved under the ILO/IPEC programmes of action against child labour:

- 792 children (488 boys and 304 girls) have benefited from improvements in the education system;

- 436 children (236 boys and 200 girls) have benefited from the issuance of birth certificates;

- 76 children, including 48 girls, have been enrolled in school;
- 40 children have been trained in income-generating activities;
- 15 children, including 2 girls, have been provided with donkey carts and received training in income-generating activities;
- 30 gold-washer parents have received working equipment and safety support.

402. The above-mentioned activities are supplemented by initiatives on the part of NGOs such as AFTEN and the Association Nigérienne pour le traitement de la délinquance et la prévention du crime (ANTD) which, with UNICEF support, have identified and removed 256 children, including 222 girls employed as domestics, from situations of exploitation. The children were then trained in income-generating activities.

5. Difficulties encountered

403. The main obstacle encountered in the fight against child labour is the extreme poverty of a large proportion of the population and the widespread lack of awareness of the concept of child labour. Consciousness-raising work in this area has only recently begun. In addition, the public sector is involved only to a limited extent in running the programmes, and the officials responsible for their implementation are poorly trained. As a result of this need for capacity-building, only a small number of projects have been submitted.

404. The resources allocated to the fight against child labour seem derisory when measured against the goals to be achieved.

2.8.3.2. Abuse of drugs (art. 33)

1. Follow-up and implementation measures

405. With a view to protecting minors against the illicit use of drugs, article 107 of Order No. 99-42 of 23 September 1999 concerning action against drug abuse in Niger provides for aggravated penalties for the import, possession, transit or export of drugs:

- When the drug was supplied or proposed to a minor or its use by a minor was facilitated;
- When a minor participated in the offence.

406. Moreover, article 147 of the above-mentioned Order punishes with a term of imprisonment of 1 to 5 years and a fine of between 100,000 and 500,000 CFA francs the act of knowingly supplying a minor with toxic chemical inhalants.

407. Activities aimed at preventing the abuse of drugs, some of which focus on children, have been included in the national master plan of action against the abuse of drugs.

408. More specifically, UNICEF, CADEV and Penal Reform International (PRI) supported awareness-raising campaigns for incarcerated minors on the harmful effects of the illicit use of drugs during the period 2005-2007.

2. Statistical data

Table No. 36: Number of child drug addicts

	2005	*2006*
Number of child drug addicts	219	375

3. Shortcomings noted

409. The main shortcomings noted are:

- The growing phenomenon of children living and working in the street, which is conducive to the use of light drugs and toxic chemical inhalants by adolescents;
- The failure to ensure vigorous implementation of preventive activities envisaged in the national master plan of action against the abuse of drugs;
- The lack of specialized detoxification facilities, which largely accounts for the increase in the number of child drug addicts.

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

1. Status of the problem

410. While poverty is one of main factors leading to the sexual exploitation of children, it should be noted that the spread of this phenomenon is also related to certain practices such as child trafficking, prostitution, early marriage, forced marriage, the showing of pornographic films, etc.

411. The pornographic films are shown in video clubs late at night. According to a survey of forced labour in Niger conducted by the ILO in 2002, 30 per cent of the persons questioned were aware of cases of recruitment or supply of children for purposes of prostitution or production of pornographic material.

412. With regard to child trafficking, according to a study of the phenomenon carried out in 2004, young adolescents are recruited in neighbouring countries and are transferred to Niger. In addition, young women are conveyed from Niger to the countries of the Arabian Peninsula for exploitation by prostitution networks.

413. Child prostitution occurs when certain social strata are without access to basic services. This situation has been compounded by deep-seated changes in family structure due to the decline in the village economy. The successive droughts that struck the country were followed by an increase in cases of divorce and repudiation, which had an adverse impact on the situation of children. To make matters worse, many rural families found that their only prospect of survival lay in moving to the outskirts of urban centres in search of some form of livelihood.

Their minor daughters now work as street hawkers or domestics, which places them at risk of prostitution. In other cases, adolescents girls turn to prostitution in reaction to early or forced marriage.

2. Follow-up and implementation measures

414. The provisions of the Criminal Code concerning the abduction of minors, indecent assault without violence on a minor under 13 years of age, indecent assault by an ascendant on the person of a minor, indecent assault with violence on the person of a minor under 13 years of age, indecent acts committed against a minor of the same sex, rape of a minor under 13 years of age, and procurement and incitement to immorality committed against a minor have been maintained.

415. Niger has signed: (a) the United Nations Convention against Transnational Organized Crime; (b) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

416. This paved the way for the elaboration in 2006 of the National Plan of Action (2006-2010) against Child Sexual Abuse. The aims of the Plan of Action are: (a) to prevent all forms of sexual exploitation of children; (b) to provide for the social reintegration and rehabilitation of child victims of sexual exploitation (c) to support implementation of the declarations and initiate the process of eradication of all forms of sexual exploitation of children; (d) to make arrangements for the involvement of development agencies in action against the sexual exploitation of children; (e) to contribute to the emergence of a civil society culture in which practices involving the sexual exploitation of children are outlawed.

417. A national brigade and regional brigades specializing in the protection of minors have been established within the national police force.

418. Juvenile judges regularly order activities such as educational monitoring, placement in apprenticeship and the return of children to their families. These activities, which are supported by the SEJUPs, help to protect numerous minors from the risk of sexual exploitation to which they were exposed.

2. Shortcomings noted

419. The phenomenon of sexual exploitation of minors is tending to spread in Niger owing to: (a) insufficient capacity to monitor the situation of children; (b) the impoverishment of many households, which therefore tend to condone the prostitution of their children; (c) the existence of pornographic sites on the Internet; (d) the uncontrolled distribution of videocassettes containing pornographic films; (e) the inadequacy of the legislation: the offences defined with a view to protecting minors usually relate only to minors under 13 years of age; (f) failure to report sexual exploitation of a child, especially when the perpetrator is a member of the child's family. In other cases, failure to report offences is due to fear of being blacklisted.

2.8.3.4. Other forms of exploitation (art. 36)

1. Follow-up and implementation measures

420. With a view to protecting minors against all forms of exploitation, the Niger Civil Code introduced the concept of absence of legal capacity. This regime restricts a person's capacity to exercise rights in order to protect those deemed to be unfit to express their will or intention. The restrictions may be general or particular. Minors, for example, are incapable, on account of their age, to take reasonable decisions regarding the conduct of their daily lives. The law intervenes to protect them by declaring their incapacity to exercise rights.

421. Thus, although minors may hold the same rights as adults, they cannot exercise those rights themselves, at least without authorization. It is considered risky for minors, in view of their age, to assume certain civil commitments personally or without authorization.

422. Minors are therefore denied legal capacity. As a result, other persons act for and on behalf of minors or authorize the minors to act.

423. As the idea underlying the concept of absence of capacity is to protect the persons concerned, any legal transaction undertaken by a person without legal capacity is null and void.

2. Difficulties encountered

424. Implementation of the regime of absence of legal capacity of minors is impeded by legal pluralism. Many children invoke customary law in order to assume civil commitments without authorization.

2.8.3.5. Abduction, sale or trafficking (art. 35)

1. Follow-up measures

425. On the institutional level, a National Commission for Oversight and Coordination of the National Plan of Action to Combat Child Trafficking was established in the Ministry for the Advancement of Women and Protection of Children by Decree No. 10/MPF/PE of 26 May 2006. The Commission is mandated, inter alia: (a) to develop technical and financial partnership strategies to ensure that it can operate effectively; (b) to propose solutions to the problems faced at the national level by actors involved in the fight against child trafficking; (c) to build up experience in prevention, provision of care and reintegration, and to compile data on the identity of child victims, perpetrators and their accomplices and on the measures taken against them; (d) to prepare progress reports, in consultation with the institutions concerned, on the implementation of the above-mentioned Multilateral Agreement; (e) to formulate opinions and recommendations.

426. A national survey designed to assess the scale of trafficking in Niger and to propose ways and means of combating the phenomenon was conducted in 2004.

2. Measures of implementation

427. The abduction of children is punishable under article 248 of the Criminal Code. However, no case has been recorded to date.

428. With regard to the protection of children against trafficking, Niger is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, 2000) and to the Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa, signed in Abidjan on 27 July 2005. The latter Agreement provides for collaboration in the subregion in the fight against child trafficking. Niger has also participated in international meetings (Geneva, Libreville and Abuja) on the fight against trafficking.

429. A bill on human trafficking has been drafted by the Government and submitted to Parliament for approval in order to fill the existing legal vacuum in that area. In addition, capacity-building activities with respect of trafficking have been undertaken on behalf of the Government, NGOs, law enforcement agencies, trainers, transporters, line managers, community and religious leaders, and young people. Vigilance committees have been set up and shelters and transit centres for victims have been established.

430. Support has been provided for the surveillance of towns through which migrants pass in trafficking cases (with support from the Dirkou police) and vulnerable children or victims of trafficking have been given direct support in the form of socio-occupational reintegration.

431. The NGO Save the Children organized an instructors' training course in August-September 2005 for 17 persons (judges, gendarmerie and police officers, administrators, customs officers, NGO leaders) on children's rights and child protection in trafficking situations.

3. Budgetary allocation

432. The national plan of action to combat child trafficking, which will earmark funds for its implementation, is currently being elaborated. The National Plan of Action for the Survival, Protection and Development of Children allocated a sum of 138 million CFA francs for 2006 under the heading "Exploitation of children, including trafficking".

4. Statistical data

433. The national survey on trafficking in persons resulted in the following findings:

- Among the 1,540 households surveyed in the eight regions covered by the study, 89 households, or 5.8 per cent, answered "Yes" when asked whether a member of the household had been a victim of trafficking;

- Of the 1,540 households surveyed, 450, or 29.2 per cent, answered "Yes" when asked whether there had been human trafficking in their locality/village/neighborhood;

- According to the majority of households surveyed, the main perpetrators (traffickers) are the village marabouts (40.9 per cent) and marabouts from elsewhere (17.3 per cent);

- Of the 2,264 persons (men and women) questioned individually, 118 persons, or 4.4 per cent, answered "Yes" when asked whether one or more child members of their household had been the victim/victims of trafficking;

- Moreover, a significant proportion of the persons questioned (28 per cent) answered "Yes" when asked whether there had been cases of human trafficking in their village/neighbourhood.

434. The NGO Action for the Abolition of Child Labour in Niger (AFTEN), in partnership with the Regional Directorate for Child Protection of Agadez and with financial support from UNICEF, established a shelter and transit centre for child victims of trafficking in 2006. The centre has already provided care for 64 child victims of trafficking with the collaboration of the police and, in particular, of transporters, 16 representatives of whom had received prior training. A second shelter and transit centre for child victims of trafficking has just been established in Niamey, again by the NGO AFTEN. A third shelter and transit centre has been established in Makalondi by the NGO School Sponsorship and Development Actions (EPAD).

435. Eight vigilance committees were set up in Niamey, Makalondi, Gaya and Konni in 2005 and four committees are to be set up in 2006 in Konni, Malbaza, Zinder and Maradi. Direct support for vulnerable children or victims of trafficking in the form of socio-occupational reintegration was provided for 90 street children in Niamey, 32 girls employed as domestics and 50 child workers. Family reunification was arranged for 64 child victims of trafficking (in Agadez), 8 of whom benefited from socio-economic reintegration measures. In Maradi, 156 child victims of trafficking were provided with support to enable them to return to their families.

436. Training courses in the fight against trafficking were organized for a total of 703 persons: 353 defence and security force officers (including 5 women), 200 trainee police officers (5 women and 195 men), 100 officials of the National Security Company, 34 instructors in Niamey, 18 social workers and 32 members of the Regional Committee for the Health, Protection and Development of Children (Maradi), and 50 members of transporters' unions and line managers (Agadez).

5. Difficulties encountered

437. As the trafficking legislation has not yet been adopted by Parliament, the legal vacuum persists in this area, a fact which hampers the effectiveness of action against this baneful phenomenon.

438. Within the Government, action against trafficking is coordinated simultaneously by two ministries: the Ministry for the Advancement of Women and Protection of Children and the Ministry of Justice. This dispersal of responsibility undermines the transparency and consistency of the activities undertaken.

2.8.4. Children belonging to a minority or an indigenous group (art. 30)

439. The problem of children belonging to ethnic, religious or linguistic minorities does not arise in Niger. The country's working language is not a local language but a foreign language, namely French.

440. The population is composed of eight major ethnic groups, which are in turn made up of several ethnic subgroups. Children belonging to minority ethnic groups suffer no discrimination of any kind.

441. The following religions are practised in Niger: Islam, Christianity and animism. The different religious groups live together in a climate of mutual tolerance encouraged by the non--denominational character of the State, which is also conducive to the gradual acceptance of provisions aimed at promoting the rights of the child.

2.8.5. Children living or working in the street

1. Measures of implementation

442. The National Plan of Action for the Survival, Protection and Development of Children provides for a large number of activities aimed at countering the phenomenon of children living or working in the street. The activities include the organization of awareness-raising campaigns, the establishment of a national information framework, the application of legislative and regulatory provisions concerning child begging, and action against child drug addiction.

2. Statistical data

443. According to an ILO/IPEC study undertaken in 2000, children work mainly in the informal sector (particularly in agriculture, livestock breeding, mining, manufacturing, maintenance and services). Almost 73 per cent of children under 15 years of age are employed in various ways in this sector, which is characterized by high-risk workplaces without proper provision for the child's health, safety and well-being. According to the study, 20 per cent of children work in the mining sector, 34 per cent in the manufacturing and maintenance sector, 18 per cent in the services sector and 27.5 per cent in the rural sector (58.78 per cent of children of both sexes perform home help services, 18.18 per cent are wage earners and 13.33 per cent are independently employed).

444. According to the same study, there is no legal supervision of working conditions. Children are required to work not only beyond their physical limits but also for long hours (10 to 15 hours a day) without weekly rest days.

445. Almost 1,816 children living or working in the street, including 239 girls, have received support for their social reintegration through the SEJUPs. Some of the children concerned were placed in apprenticeships.

3. Budgetary allocation

446. The National Plan of Action for the Survival, Protection and Development of Children has allocated more then 242,000,000 CFA francs to the fight against the phenomenon of children living or working in the street.

4. Difficulties encountered

447. The main obstacle encountered in the fight against the phenomenon of children living or working in the street and of child labour is the failure to implement legislation concerning child begging and family neglect. Although the legislation is still in force, it is rarely applied.

2.9. Optional Protocols to the Convention

448. In accordance with the Committee's recommendations, in 2003 Niger ratified: (a) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; (b) the Optional Protocol to the Convention on the involvement of children in armed conflict.

449. A large number of training activities concerning the Optional Protocol on the involvement of children in armed conflict have been organized by NGOs, especially the NGO School as an Instrument of Peace (EIP) in partnership with the Ministry of National Defence:

- April 2002: Training of 20 Niger armed forces instructors in the protection of children in situations of armed conflict;
- October 2002: Training of 16 Niger armed forces instructors in the protection of children in situations of armed conflict;
- January 2003: Awareness-raising course in the protection of children in situations of armed conflict for 250 Niger soldiers leaving for the Republic of Côte d'Ivoire ;
- May 2003: Awareness-raising course for 141 soldiers serving in the 13th Tahoua inter-service battalion;
- July 2003: Awareness-raising course in the protection of children in situations of armed conflict for 259 Niger soldiers leaving for the Republic of Côte d'Ivoire;
- 2004: Workshop on the design of teaching modules concerning the protection of children in situations of armed conflict;
- March 2004: Awareness-raising course in the protection of children in situations of armed conflict for 316 Niger soldiers leaving for the Republic of Côte d'Ivoire;
- March 2005: Awareness-raising course in the protection of children in situations of armed conflict for 310 Niger soldiers leaving for the Republic of Côte d'Ivoire.

CONCLUSION

450. At the close of this exercise, it may be reaffirmed that wide-ranging action has been taken since the initial report to ensure more effective implementation of the rights of the child as set out in the Convention. Numerous legal and institutional frameworks for the implementation of the rights concerned have been created and appropriate infrastructure has been established. These efforts have led to an improvement in indicators pertaining to the rights of the child in a number of areas. The improvements may be attributed to: (a) the restoration of political stability, which has enabled Niger to develop new frameworks for action and to reactivate existing frameworks; (b) the renewed willingness of development partners to extend support to the State; (c) and the more efficient management of public finances, which has enabled the country to take advantage of debt reduction and cancellation initiatives.

451. The improved indicators relating to implementation of the rights of the child are all the more noteworthy when one considers that the monetary poverty index has remained virtually unchanged (62.1 per cent in 2006, compared with 63.1 per cent in 1993); an economic growth rate of 3.65 per cent (in real GDP) was recorded during the period 2002-2005, leading to only a slight improvement in real GDP per capita (0.35 per cent).

452. In spite of the improvement in basic social indicators, a major effort is still necessary to meet the requirements of the Convention and to attain the Millennium Development Goals relating to the rights of the child. Although the challenge is daunting, it serves as a constant spur to action on the part of the authorities and their partners. Such action must focus on: (a) the adoption of measures aimed at speeding up reform initiatives undertaken with a view to stimulating economic growth and thereby facilitating, inter alia, compliance with the provisions of the Convention; (b) completion of the process of building institutional and legal structures pertaining to the rights of the child by eliminating the dichotomy between modern law and customary law, which has proved harmful to the rights of the child; (c) ensuring that the legislation enacted is effectively implemented and revitalizing existing institutions: it has been noted that the country is well endowed with legislation and institutions capable of promoting the rights of the child but poorly endowed with the means to activate them; (d) ensuring that action aimed at implementing the rights of the child is cross-cutting; (e) promotion of a sense of responsibility in the population regarding demographic issues; (f) improvement of the system of data collection, production and monitoring.

453. The gradual and irreversible endorsement of the Convention by different sectors of the population, the improvements recorded in indicators relating to children, and the willingness of development partners to provide assistance give grounds for hope.

Annex

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