



BP: 5007, Tel: 96 97 15 33/20 31 50 20, E-mail: conide@yahoo.fr

Web: www.conide.org

**COALITION OF
CHILDREN'S RIGHTS
ORGANISATIONS**

**ALTERNATIVE REPORT
BY NON-GOVERNMENTAL ORGANISATIONS AND
ASSOCIATIONS OF THE STATE OF NIGER ON THE
IMPLEMENTATION OF THE CONVENTION ON
CHILDREN' S RIGHTS**

December 2012

INITIALS AND ABBREVIATIONS

AD: Association of Development

ANLTP: National agency Fighting People's Trade

ANSITEF: Analysis of the Situation of the Child and Woman

CCNEJ: National Advisory Frame of Children and Young people

CDE: United Nations convention Relative to Child's Rights

CEDEAO (ECOWAS): Economic community of West Africa States

CEDEF: Convention on the Elimination of all forms of discrimination Toward Woman

CEG: Broad Teaching College

CESOC: Economic Social and Cultural counsel

Cf: Confer

CGDES: Board of Management of the Schools

CNDH: National Commission of the Human rights

CNCLTP: National Commission of Coordination Fighting People's Trade

CNSPDE: National committee for Survival, Protection and Development of Child

CONIDE: Child's Rights Organizations Coalition of Niger

CONAFE: African NGOs Coalition Fighting for Childhood

CRENA: Ambulatory Nutritional Rehabilitation Center

CRENI: Center of Rehabilitation and Interne Nutritional Education

DIJE: Integrated document of the Young child

DRFM/MEN/A/PLN: Financial and Material Resources Direction of the Ministry in charge of National Education ,the Elimination of illiteracy in and the Promotion of the National languages

IEC: Information-Education-communication

IDH: Sign of Human development

INDRAP: National institute of documentation, Research and Teacher Training Animation

INS: National institute of the Statistics

IST (STI): Sexual Transmissible Infection

JEA: Day of the African Child

Km: Kilometer

Km ²: Square kilometer

LOSEN: Niger's Education System Orientation Law

OMD: Millennium Objectives for Development

OMS (WHO): The World Health Organization
ONG (NGO): Non-Governmental Organization
OSC: Civil society Organization

STALEMATE: Standard draft treaty
PDES: Economic and Social Development plan

PDS: Health Development plan
GDP: Gross domestic product
UNDP: United Nations Program for Development

PTF: Technical and Financial partners

PTME: Protection of the Transmission of the AIDS virus from Mother to Child

RGPH: General census of the Population and the Habitat
SEJUP: Legal Educative Preventive service
SSRAJ: Sexual and Reproductive health of the Teenagers and the Young people

UNICEF: United Nations Funds for Childhood

VIH (HIV): Virus of the Human Immunodeficiency

INTRODUCTION

On 30 November 1989, the UN General Assembly adopted the Convention on the Rights of the Child. The Convention obliges the signing States to produce and present a progress report on the status of the implementation of its relevant measures. In the same way, it gives the possibility to NGOs and Associations working in the field of childhood to present a supplementary report.

The present report is a supplementary and alternative report which contains the observations, and the comments of NGOs and associations on the report of the State of Niger concerning the implementation of the recommendations made by the committee for Children's Rights at the 51st session of June 2009. It is a contribution of the two (2) Coalitions of NGOs/Associations (CONIDE and CONAFE) to help further understand the situation of children in Niger, to identify areas and strategic axes for a better management and enforcement Children's Rights.

The report was written in accordance with Article 44 of the CRC and with the general guidelines of the Children's Rights Committee (CRC). It is presented by the Children's Rights Organizations' Coalition of Niger (CONIDE). Established in December 2010, CONIDE is a group of 86 NGOs and Associations working in the field of children in Niger. It is located in all 8 regions of the country. With its vision, CONIDE wants to be a leading organization that advocates for the protection and promotion of children's rights in Niger.

The CONIDE leads essentially and constantly general follow up actions of the children's rights, advocacy, awareness raising, capacity building, monitoring, interpellation, denunciation, advocacy, but also and especially lobbying.

The CONIDE is a founding member of the Union of West African Coalitions for Children and active member of the Forum of Civil Society organizations.

I. COUNTRY BACKGROUND

1.1 Geographical background

The Republic of Niger, country located in Sub-Saharan Africa, is limited in the north by Algeria and Libya, in the east by Chad, in the south by the Federal republic of Nigeria and Benin, in the west by Burkina Faso and in the North-West

by Mali. By its surface, Niger is one of the largest countries in West Africa with 1,267,000 km². It is also continental and landlocked country.

The nearest port is located at a little more than 1,000 km. Its climate is tropical and Sudan type. It is characterized by two (2) main seasons: a very long dry season which lasts approximately eight (8) month, from October to May and a short rainy season which lasts four (4) to five (5) months, from April (or May) to September.

It is noted, in addition, that the native populations of Niger live primarily on agriculture, breeding, fishing, arts and crafts.

1.2. Economic and Social Background

From the information contained in the diagnosis of Economic and Social Development plan (ESDP) 2012-2015, it is noted that the economy of Niger remains very weak with a GDP (Gross Domestic Product) per inhabitant of 370 US\$ (against an average of 528 US\$ for the low incomes countries and 1,176 US\$ for sub-Saharan Africa). Niger is one of the countries with the highest incidence of poverty (59%) and low level of human development with an HDI of 0.295, which is makes it the 186th out of 187 countries ranked by the UNDP in 2011.

Within the period 1990-2010, the economy of the State of Niger registered an average growth of about 3.8% in real terms, which is less than 1% in terms of GDP per capita. This average hides a strong variability according to performances notably of the agricultural sector.

The structure of the GDP (2011) indicates a respective weight of 43.1% for the primary, 16% for the secondary and 40.9% for the tertiary sector. Agriculture and breeding have respectively contributed to the GDP up to 26, 4% and 11.7% in 2011. The mining industries, on their part, weighed only a total value of 53.3%. The Industry remains characterized by a weak diversification (limited to agro-industry) and a lack of competitiveness.

Niger remains vulnerable at the macro-economic level, even if notable progress was made at the level of the inflation which, between 2001 and 2010, remained restricted to an average level of 3.3%. (cf PDES 2012-2015).

1.3. Human development

According to the General Census of the Population and Habitat (RGPH) of 2012, the demographic growth rate is of 3.3%. This rate is related to an aggregative sign of fertility of 7.3 children per woman; which means a doubling of the population after every 25 years.

The youth of the population of Niger, with 51.6% of the population under 15, represents at the same time a challenge and an asset for the development (RGPH 2012).

At the level of human development, slow progress was made especially in the realization of the Millennium Development Goals (MDG). The index of poverty has decreased, but at a very timid rhythm, moving from 63% in 1990 to 59.5% in 2008. This poverty which affects more the rural area than the urban one, takes on an endemic dimension in the areas of Maradi, Dosso and Tillabéry. (cf PDES 2012-2015).

Moreover all these, there is the unemployment and the under-employment of the young people which constitute constant concerns in Niger.

II. OBJECTIVES

The objectives of this report are as follows:

The objectives of this report are as follows:

- 1) Analyze the responses to the recommendations made to the Government by the Committee for Children's Rights at the last report of Niger in 2008,
- 2) Provide additional information and make objective critics on the Government's report.

III. METHOLOGICAL APPROACH

The documentary research was the first phase of the elaboration of the present report. It has consisted in the research of data from the government's reports, the development partners, and the organizations of the civil society to take stock of the implementation of the recommendations addressed to the state of Niger at the 51st session of the experts' committee of June 2009.

3.1. Analysis of the results of the documentary research

The drafting team set up for this purpose is composed of ten (10) members including five (5) of the CONIDE and five (5) of the CONAFE. These members carried out the examination of the documents collected and this approach made it possible to make observations and comments before the counting.

3.2. The counting

The members of the team carried out the data counting.

3.3. Data processing

The data were analyzed according to the principles of content analysis. The analyzed data were presented for amendment at the time of plenary of the committee.

3.4. The writing of the report

The analysis of the data being done, the drafting team carried out the elaboration of the first draft of the document.

This was object to amendment by the members of the executive boards of the two coalitions which lead to the Draft that was transmitted to the member structures for their observations before the validation workshop.

3.5. The national validation workshop

A national validation workshop of the report involving all the concerned actors was organized.

3.6. The finalization of the Report

The members of the committee, after the workshop, carried out the finalization of the document with the integration of the amendments.

IV. GENERAL OMMENTS

The NGOs and associations point out that the report produced by the State of Niger reflects the realities of the country; however there are still some shortcomings.

4.1Firstly

Important progress has been made with regard to the implementation convention on the Rights of the child and to the recommendations made last time Niger was before the Geneva committee. However, on the adoption of the Children's Code, the ratification of the Hague Convention on the child protection and the cooperation on the international adoption, much still remains to be done.

4.2 Secondly

The data of NGOs were not sufficiently taken into account.

4.3. Thirdly

Data coming from the other State administrations, roughly presented in the report, without analysis, do not guide the reader.

The majority of the data were provided by the Ministries for Health, Education, Justice and the National institute of Statistics (INS). Moreover, the data of the Ministry for the civil service about child labor were not taken into account.

4.4 Fourthly: Financing of the Children's Rights protection and promotion activities.

The figures concern only two Ministries, namely the Ministry of Health and the one of Education. These data are unfortunately very general and do not allow to distinguish the exact range of the funds put at the disposal of these ministries for the benefit of children. It is noticed that the global budgets allocated by the State of Niger to the two aforementioned ministries regress year after year as illustrated in the chart below:

Percentage in relation with the national budget	2009	2010	2011	2012
Health	9.3%	7.9%	6.5%	5.7%
Education	13.5%	13.5%	10.3 %	9.0%

Source: Finance Ministry and DRFM/MEN/A/PLN

There completely lacked the financial data allocated for defense activities, for children's protection and promotion of the Ministry in charge of the child protection, but also the contribution of the technical and financial partners.

Moreover, it is clear as there is a fiscal credit under consumption of the budget allocated to the Ministry in charge of the protection of the child, as reflected in the budget monitoring report produced and published by Alternative Espace citoyens in 2013: Budget 2010: 3,012,421 956 francs CFA, the consumed amount is 1,738,117 663 francs CFA;

Budget 2011: 4,492,991 339 francs CFA, the consumed amount is of 1,314,883 768 francs CFA;

Budget 2012: 5,373,927 872 francs CFA, the consumed amount is 1,417,939 619 francs CFA.

This situation is unfortunately not the prerogative of the only Ministry in charge of the child protection but of the whole administration of Niger. This situation, the level of the Ministry in charge of the child protection is explained by the choice and the appointment of the executives of executing the activities, where the adequacy between profile and employment is not respected.

V. SPECIFIC COMMENTS

5.1. Legislation

The NGOs/Associations have noticed that efforts have been made in order to harmonize internal legal ordinance in relation with the provisions of the CDE.

5.1.1. On the legislative front

It is noticed that the Code of the child, despite the recommendation, is still not adopted. However, we can welcome the fact that some measures taking into account the provisions of the Convention have been taken, including:

- The constitution of November 25th, 2010 in its articles 21 and 22;
- The adoption of the ordinance N°2010-086 of December 16th, 2010 on the fight against the human trafficking and decrees N°2012-082 and 2012-083 of March 21st, 2012 determining the organization, composition and functioning of the CNCLTP and the ANLTP;

- The act N°2011-041 determining the rules for the legal and judicial assistance and creating a public institution called national agency for legal and judicial assistance;
- The act n°2012-45 of September 25th, 2012 on Labor Code in the Republic of Niger to take into account the worst forms of child labor, etc.

Recommendation:

The NGOs/Associations recommend the boosting of the process of finalization of the child's code for its adoption.

5.1.2. On the administrative and institutional level

The report of the State has mentioned the existence of several structures that are taking care of children in situation of vulnerability which are divided as follow:

- 24 reception centers among which three (3) are governmental and twenty one (21) are private which receive, on decision of the justice, children in situation of vulnerability;
- The National Commission of the Human rights;
- The Directorate in charge of the Child protection;
- The Directorate in charge of Legal and Youth Protection;
- The Central service in charge of the protection of women and minors.

Despite the efforts indicated above, one notices an insufficiency of specialized structures to take care of children requiring a special protection.

Recommendation:

The NGOs/Associations recommend the creation of other reception and specialized centers in all areas.

5.2.Restriction

The NGOs/Associations have noticed that with regard to the restrictions related to CEDEF, no change took place despite the lobbying and the plea before the political, religious and traditional leaders.

5.3.Coordination

The NGOs/Associations note that the National committee for the child Survival, Protection and Development (CNSPDE) and its decentralized structures are active only at the time of the celebration of the African Child Day (ACD).

NGOs/Associations also noted in March 2010 the installation of an inter-ministerial committee to coordinate the elaboration of the periodical reports and the monitoring of the recommendations.

Recommendation:

NGOs/Associations recommend the consolidation of the assets born from the creation of CNSPDE by equipping it with relevant human, material and financial means for its good functioning.

5.4.National plans and programs

NGOs/Associations welcome the elaboration of the Framework Document of child's protection and its validation by the concerned actors. Currently this framework document is in the process of adoption. This framework document takes into account the declaration "a World worthy of children" and "the Call for an accelerated Action for the implementation of the action plan towards an "Africa worthy of children.""

Recommendations:

- NGOs/Associations recommend the acceleration of the process of adoption of the framework Document about the child's protection;
- NGOs/Associations recommend to the Government and the technical and financial partners to allot the adequate resources for its implementation.

5.5.Independent follow-up

NGOs/Associations have noted the effective establishment of the National Human Rights Commission (NHRC) with a branch in charge of the promotion of the women's rights and child protection. The National Human Rights Commission (NHRC).

The NHRC intends to expand its coverage by establishing regional offices.

5.6.Resources allocation

The budget of the Ministry of Population, Advancement of Women and Child Protection does not have a separate line for child protection. It is less than 1% between 2011-2012.

The staff of the sector in charge of child protection is largely insufficient for the implementation of the Framework Document.

Recommendations:

- NGOs/Associations recommend to the State of Niger to allocation adequate resources (human, material, financial) for the effective realization of the actions scheduled in the Framework Document of child protection's action plan;
- Provide specific budget line for child protection;
- Arrange to use the budgetary appropriations made available;
- Appoint technical staff based on their skills and not their political affiliation.

5.7. Data gathering

NGOs/Associations found that the nationwide studies and surveys conducted by the National Statistics Institute (NSI) generally take into account the child component.

Nevertheless, there is a failure in the data collection system on child protection. On the 105 indicators on child protection, only 27 are currently filled.

Moreover, the data provided by the civil society in the annual reports transmitted to the competent jurisdictions remain unexploited.

Recommendation:

NGO/Associations recommend the establishment of a joint mechanism (State /NGO/AD) for data gathering, processing and diffusion on child protection.

5.9. Dissemination of the Convention and training and awareness raising activities related to the Convention

It should be noted that considerable efforts have been made both by the State and by civil society in the dissemination of the CRC, particularly through the memorial days dedicated to children, training workshops, awareness campaigns and radio and television broadcasts.

These various actions were undertaken towards the religious and customary leaders, the defense and security Forces, the communities, the media and the children themselves.

Regarding the translation of the CRC in national languages especially in Hausa, Arabic and Zarma, despite the absence of initiative from the State, some organizations of the civil society, with the support of the partners, have undertaken actions going in this direction.

Recommendation:

The NGOs recommend to the State the involvement of the Directorate General of Literacy, promotion of national languages, of the National Documentation Institute, Research and Educational Animation and CSOs for the translation, production and dissemination of the CRC.

5.10. Cooperation with the civil society

The collaboration between the State and the civil society in the activities concerning children's rights promotion and protection is a reality in Niger despite some failures. It is, among others, the lack of financial support by the State to the civil society organizations working on the issue of children, their little implication in the activities carried out by the governmental organizations and the new disposition taken by the Ministry in charge of finance tending to suspend the exemptions from which NGOs profited before.

It should be noted that the inter-ministerial committee for the follow-up of the international NGOs' activities is not working; this leads to disparate and not coordinated actions of these international NGOs.

Recommendation:

- NGOs/Associations recommend to the State to reactivate and reinforce the capacities of the inter-ministerial committee for the follow-up of the international NGOs' activities at all the levels;
- NGOs/Associations also recommend to the State to arrange in order to make the protocol of standard agreement (PAT) government/OSC effective.

5.11. Definition of the child

Despite a national workshop held in 2010 to revisit the Children's Code and the lobbying activities carried out by civil Society Organizations (CSO), this document is still not adopted.

5.12. Non-discrimination

Niger's Constitution clearly states in Article 10 that "all the people of Niger are born and remain free and equal in rights and duties" However, children continue to be victims of discrimination due to the lack of respect to the provisions of the CRC and the non adoption of the Children's Code.

5.13. Best interests of the child

In judicial matters, the establishment of juvenile courts in court favors consideration of the best interests of the child in judicial decisions.

Better still, the implementation of community-based Protection Program by national NGOs in cooperation with the Ministry in charge of child protection has helped establish Community mechanisms for the consideration of the best interests of the child in 100 villages.

Recommendation:

With regard to the satisfactory outcomes of the community-based Protection Program, NGOs/Associations recommend its consolidation and its progressive extension to the national scale.

5.14. Respect of Children's opinion

NGOs/Associations welcome the rehabilitation of the youth Parliament, the creation of the school government, the Children and Youth National Advisory

Framework people (CYNAF) and the regular celebration of the African Child Day, which are frameworks for expression of children's views.

To that should be added the proliferation of the private media that allow children to participate in some specific programs and the recent development of community-based Child protection programs which favored children's right to speak.

NGOs/Associations notice nevertheless that the children expresses more freely their views in urban areas than in the rural, because of the structures, the socio-educational and media infrastructure more available in towns than in the backcountry.

Recommendation:

NGOs/Associations recommend to the State the creation of adequate and additional frameworks favoring the expression of the children's views regardless of place of residence.

5.15. Slavery

NGOs/Associations welcome the adoption by the National Assembly of the Act on the slavery and all the worst forms of human degradation, the adoption by the Government of ordinance 2010-086 of December 16th, 2010 on the fight against human trafficking, activities performed by some Human Rights defense NGOs.

An action plan of fight against human trafficking is in the course of finalization. NGOs/Associations note nevertheless that the application of the act on slavery is very timid.

Recommendation:

NGOs/Associations recommend to the competent authorities to apply the law in all its strictness.

5.16. Birth registration

NGOs/Associations welcome the rapid increase of the number of birth registration centers and the training of the registering agents, which has significantly raised the rate of birth declaration and registration.

However, NGOs/Associations still find large disparities between urban and rural areas due to factors such as physical and financial (transport, penalties) accessibility to a birth certificate, the fertility high rate and the level of poverty of the population.

Regarding the Convention on the Status of stateless persons, Niger has begun the process of its ratification, process is at the stage of technical opinion request from different sector ministries concerned with this issue.

Recommendations:

NGOs/Associations recommend to the public authority:

- The intensification of awareness-raising and advocacy with communities and traditional and religious leaders;
- Staffing every village and hamlet of a birth registration center in accordance with the MDGs;
- Reinforcement of the capacities of First and High instance Courts to identify mobile hearings;
- The reaffirmation of free declaration and acquisition of birth certificates.

5.17. Physical punishment

NGOs/Associations welcome:

- The elaboration and the implementation of the educational program of fight against physical punishment centered on the children's rights and the psychological aspects of the phenomenon;
- The organization of a workshop to think on the content of an education on human rights in 2009 to the benefit of the Technical Teams in charge of the Development of the Curriculum in order to integrate the issue of human rights, notably those of children, in the elementary, junior and senior high secondary schools study programs;
- The experimentation of the “**school government**” concept in elementary schools.

NGOs/Associations note that physical punishment continues in modern schools, regardless of the decree prohibiting it and the education and awareness-raising campaigns on the harmful effects of physical punishment.

This phenomenon still continues in families and in Koranic schools because of the lack of formal mechanism of control of the administration of these schools.

Recommendation:

NGOs/Associations recommend to the State:

- The vulgarization to teachers, supervisors of high schools, marabouts and members decentralized school management Committees (CGDES), the texts prohibiting all forms of physical punishment on children;
- To organize a study on the causes, nature and extent of the physical punishment being performed on children in traditional as well informal schools;
- The acceleration of the process of adoption of a policy formalize all Koranic schools;
- Clear terms of reference for school governments.

5.18. Response to the study by the United Nations on the violence against children.

NGOs/Associations deplore the inexistence in the penal code of special dispositions on violence against children. However, they welcome the fact that it penalizes violence against people, and the penalties imposed are aggravated when victims are minors.

NGOs/Associations welcome the implementation of an experimental plan to promote culture of non-violence in schools, especially in 20 schools in Maradi and Zinder, which allowed a peaceful settling of the cases of violence and a reduction of its range.

The concerned students became ambassadors for peace in their schools and they are recognized like such by their peers;

Recommendation:

With regard to the satisfactory outcome of the aforementioned pilot experimental phase of the program, NGOs/Associations recommend their vulgarization and their extension to the localities where this phenomenon occurs with more seriousness.

5.19. Improve the skills of those who work with and for children

NGOs/Associations note that progress has been made in the field of the reinforcement of the capacities of the actors to deal with the issues of violence with more than three thousand (3000) professionals that are trained (social workers, the police men, teachers, judges and actors of the civil society) in this field.

Recommendation:

Given the size of Niger and the insignificant number of the trained actors, NGOs/Associations recommend the extension of the training to at least 50% of the actors by 2015.

5.20. Make of the study's recommendations an instrument of action in the partnership with the civil society

NGOs/Associations note that no step was taken in this direction. However, during the 16 activism days, a partnership with the civil society exists on issues of violence women and children.

Recommendation:

NGOs/Associations recommend to the State the development of an action plan in partnership with the NGOs/AD for the implementation of the recommendations of the study.

5.21. Family environment

NGOs and Associations feel comforted by the adoption, by Niger, of a policy on social protection in September 2011, whose general objective is to contribute to the attenuation of the vulnerability of the underprivileged groups and help the populations to cope with the hardest life risks.

Along with this policy is a national plan of social protection for of vulnerable groups and a pilot phase envisaged in 2013.

NGOs/Associations also welcome the actions undertaken by the State and its partners for the attenuation of the recurring food and nutritional crises with the project of social nets, the program of money transfer and Community work through the "cash for work", the special program of the President of the Republic and the urgency program. The social nets project reaches 5 areas of the country

and it covers the period from 2011 to 2017 for a total amount of 70 US million dollars which equals 35 billion FCFA.

NGOs/Associations note that despite the means available, the number of street children in the street, the number of migrating children is still growing, often because of the precarity of households in particular and that of the community in general.

Recommendation:

NGOs/Associations recommend to the State to re-study the strategies for help to vulnerable households in order to take into account the specific needs of the children.

5.22. The responsibility of the parents (article 18)

In accordance with Article 23 of the Constitution, parents are the first responsible for the education of their children. The State and the communities must support them in this task. However, the extreme poverty of the households and the lack of means by the State make the application of this principle difficult. Indeed, neither the parents, nor the State fulfill this role suitably.

At the current stage, the questions of repudiation and polygamy are still not regulated taking into account the persistence of the reserves on the CEDEF and the non-adoption of a family code.

5.23. The Keeping of the child (article 18)

The custody is governed by the substantive law, the custom and the Islamic law; however, it is not the object of a fixed application as opposed to the recommendation made by the committee on this issue. Indeed, to pronounce on the custody, the judge orders a social survey which will inform which of the parents is able to take it by determining especially the psycho affective elements and the suitable living environment to the blooming of the child.

The decision to entrust child custody to one of the parents always comes along with the authorization of the other to pay visit to the child; this right can be modified when it is established that the entitled person does not respect the responsibilities to be borne by him/her in the case of occurrence of new circumstances in the situation.

NGOs/Associations notice shortcomings in the application of these three rights because even if the living allowance exists in the customary and Islamic laws, it is defined and applied only at the time of legal procedures. But the ordinances of the Judge on the matter are hardly carried out because of the poverty of the households and the difficulties for the follow-up.

Recommendation:

NGOs/Associations recommend to the State of Niger the development and implementation of a strategy for child custody in difficult situation in the Community or in their residence in full collaboration with the customary and religious leaders.

5.24. Children deprived from their family circle

The right to live with one's biological family is not effective in Niger and the reasons evoked are, among others, certain factors linked especially to poverty and separation.

NGOs/Associations note the adoption by the State of Niger of a policy for child protection of together with a program of implementation. They note also the creation and the operation of the offices to take charge of children deprived from their family circle especially in social centers, SEJUPs.

NGOs/Associations also note the inexistence of mechanism for complaint of the institutions of protection of replacement.

NGOs/Associations note a lack in terms of resources (human and financial) for the good functioning of the SEJUPs.

Recommendation

NGOs/Associations recommend the State the provision of the SEJUPs with relevant staff in accordance with the decree creating and organizing SEJUPs.

5.25 Adoption

NGOs/Associations notice that the code of the child that should allow the taking into account all the children's rights including the regulation of the adoption is still not adopted.

Also, they notice that Niger is not yet part of the Hague Convention on the protection of the children and the cooperation related to international adoption of 1993 despite the recommendation made before.

Recommendation:

NGOs/Associations recommend to the State to start the process of ratification of the Hague Convention on the protection of the children and the co-operation related to international adoption of 1993.

5.26. Child abuse and neglect

NGOs/Associations with satisfaction notice the existence of a system of the child protection which is operational through the national orientations of assumption of responsibility for the children in situation of vulnerability and the current mechanisms of complaint of which descriptions are made to the local committees, the chiefs of districts, the judges of the minors, the Public prosecutors, the social services, NGOs and the sector associations.

Efforts are also made in relation to data collection, investigation and prosecution of authors of child abusers. Regarding the psychological care necessary for the victims rehabilitation and social reintegration, it is met by the medical and social departments.

In the framework of the fight against child abuse, awareness-raising meetings are held by the official services and NGOs specialized in the field.

To this are added awareness-raising campaigns during memorial days on child protection.

5.27. Handicapped children

NGOs/Associations notice a good progress at the legislative level with the taking into account in the fundamental law, in its articles 22 and 26, the adoption of the ordinance N° 93-012 of 2nd March 1993, modified and supplemented by the ordinance n°2010-028 of 20th May 2010 determining the minima rules related to the social protection of the handicapped people.

In application of the ordinance mentioned above, two decrees were adopted in 2010, with one creating a national committee for the promotion of disabled people, and the other fixing the organization, attributions and operation of the

aforementioned committee. According to article 9 of the decree n°96/4546/PRN/MSP, a disabled person is exonerated at 100% for the hospital expenses.

NGOs/Associations also welcome the creation of the integrating classes throughout the country and specialized centers for disabled people.

Finally, they appreciate the efforts in capacity building with the training of 1500 teachers and the provision of the didactic support for special care for children with special needs.

All these efforts need to be reinforced, because in this field, there remains much to be done.

5.28. Health and access to the health services

NGOs/Associations welcome the development and implementation of a new Medical Development plan (MDP) covering the period 2011-2015 whose main aim is “to contribute to the improvement of the health of the population” in order to achieve the millennium development goals (MDGs).

We also note the existence of many medical infrastructures at all levels, however, human, material and financial resources allocated for their effective operation are not always available. For example, the budget allocated to the health sector has much decreased from 2010 to 2012, compared to the years 2007-2008 and 2009.

Regarding nutrition, the urgency program made it possible to mitigate the perverse effects of malnutrition.

Health facilities are put to use for the management of severe malnutrition through the CRENI and CRENA.

Much effort is made concerning vaccination throughout the entire country, but certain beliefs aiming at dissuading the populations on the advantages of vaccination continue to prevail in certain areas.

Recommendation:

NGOs/Associations recommend the continuation of awareness-raising campaigns with communities on the importance of vaccination and antenatal consultations, with the support of partners such as UNICEF and WHO.

5.29. Health of the Teenagers and the Young people

NGOs/Associations note the implementation of a national strategy of the health of teenagers and young people taking into account not only the sexual and reproductive Health of the teenagers and young people but also the fight against the social plagues.

They welcome the creation and the operation of public as well as private centers for young people (NGOs/Associations) and the package of activities available such as:

- Information Education Communication (IEC) (including Counseling) on the sexual and reproductive health of the young people;
- Voluntary screening for HIV;
- Voluntary screening for sickle cell disease;
- Support for patients after abortion;
- Support for patients of STI;
- Case of teenagers affected STI;
- Mental troubles and drug-addiction.

NGOs/Associations notice a notable insufficiency of specialized centers for teenagers and young people's sexual and reproductive health and the absence of specialized centers for the treatment of mental troubles and drug-addiction.

Recommendation:

NGOs/Associations recommend to the State the acceleration of the process to make health mother and the child centers work, the creation of sexual and reproductive health centers for teenagers and young people, specialized centers for the treatment of drug-addiction and mental troubles.

5.30. Traditional prejudicial practices

- The NGOs/Associations welcome the application of the law on prejudicial traditional practices to children, and on the young girls excision;

- They also welcome awareness-raising activities, advocacy and dissuasion which they carried out with traditional and religious leaders and excision performers, which have led to the diminishing of the phenomenon in the most affected areas.

Despite awareness-raising activities conducted by various actors, NGOs/Associations note the persistence of the forced and early marriage in Niger, with an unfortunate rate of 75%.

5.31. HIV/Aids

In Niger, the free medical care for people living with HIV/aids has contributed a lot to the improvement of the rate of access to the antiretroviral treatments; nevertheless, we note frequent shortage of antiretroviral medicines and drugs for side diseases.

It also should be underlined that awareness-raising campaigns were conducted by the State as well as the civil society leading to a change of mentality and consequently a decrease of the HIV/AIDS prevalence rate from 0.70% in 2006 to 0.40% in 2012. However, much remains to be done concerning the Transmission from Mother to child (PTMC).

Recommendation

NGOs/Associations recommend to the public authority the generalization of the PTMC.

5.32. Right to an adequate standard of living

Despite the efforts made by the public authorities up to now, especially the adoption and the implementation of the PDES 2012-2015 in order to improve the living conditions of the populations, poverty remains garish as shows the index of human development 2010 classifying Niger among the last 10 countries, that is to say, 177th on 178 countries.

5.33. Right to education and goals

At this level, it should be noted that many initiatives and measures were taken by the authorities with the support of development partners in order to improve the standard of education, completion of school by children, especially young girls.

As evidenced by the solemn commitment by the President of the Republic to keep the girl in school as long as possible, the adoption of the integrated early childhood policy, the development by the Government of the law protecting the young girl during schooling, the initial and continuous training of teachers, the creation of teacher training schools in almost all regions, the establishment of school canteens in several schools, the study of school dropouts and the introduction of school governments in some regions.

On its side, the civil society implemented several initiatives in terms of advocacy and sensitizing for the access and the improvement of the quality of education.

However, much remains to be done, particularly the commitment by the President of the Republic to allot 25% of the national budget to the sector of the education which currently is around 15%, the non- adoption of the law protecting the young girl in the during schooling.

NGOs/Associations note that a significant number of children do not complete the primary school, though compulsory and free and a weak development of schools of second chance.

The teaching of human rights and the children's rights in schools is not a reality in Niger even if some initiatives are being taken in this direction.

Recommendations:

NGOs/Associations recommend to the State:

- To allot significant resources to the educational system;
- To accelerate the process of the adoption of the revised LOSEN;
- To generalize the creation of schools of second chance;
- To integrate concepts of children's rights in the teaching curricula.

5. 35. Children affected by armed conflicts

NGOs/Associations note that the State, with the support of its partners, set up mechanisms of support and assistance to populations victim of conflicts, mainly of the Malian refugee centers with an integrated minimum service package (health, education, water, cleansing, security, food, etc.)

Moreover, it is necessary to raise the weak implication of the civil society, the State and the financial and technical partners in the management of the urgencies,

the insufficiency of the medical coverage as well as the access to education in the disaster areas.

Recommendation:

NGOs/Associations recommend to the State and the financial and technical partners (FTP) the implication of national NGOs in the crisis management.

5.36 Unaccompanied, refugee and displaced children

At this level, it is appropriate to recall that the State of Niger has ratified the convention of the African Union on the protection of internally displaced people.

Several national NGOs undertake activities of prevention and support of unaccompanied children through creation of reception and transit centers, the return in their home families and the socio professional reintegration.

5.37. Street children

The phenomenon of street children constitutes a major concern with regard to its complexity and its range. According to the ANSITEF conducted by the National institute for Statistics (INS) in 2008, the number of children living/working in the street is estimated at 11,042 in the regions of Niamey, Zinder, Tahoua and Maradi. However, this figure is far from the reality and hides many disparities between areas.

Other studies were also conducted by national NGOs in order to determine the causes of this phenomenon. These studies revealed that the phenomenon is mainly explained by the poverty of the parents, the exclusion of the children from the educational system, instability and familial violence, the situation of the talibé children.

Local NGOs, with the support of partners, conducted several sensitizing campaigns towards traditional and religious leaders, and parents within the framework of the fight against the talibé children's begging.

Recommendation:

NGOs/Associations recommend to the State the realization of an in-depth study

on the phenomenon of the children of the street in order to lead to the definition and the elaboration of a program of assumption of responsibility.

5.38. Economic exploitation, including children labor and slavery

NGOs/Associations welcome the adoption of a national fight plan against child labor and of the revised work code.

Also, several national NGOs are conducting awareness-raising activities towards to leaders of opinion (traditional, community chiefs, company heads managers within the framework of the fight against children labor, etc).

In addition, monitoring committees were established in gold washing areas in order to prevent the child work and economic exploitation.

However, one notes an insufficiency of actions to reinforce the capacities of the staff of the labor inspection in order to efficiently apply the legislation on child labor.

Recommendation:

NGOs/Associations recommend to the public authority to reinforce operational capacities of the labor inspection.

5.39. Trade of people

Despite efforts made by the State through the adoption of ordinance 86-2010 of December 16th, 2010 bearing the law on human trafficking and the creation of the National Commission of Coordination of the fight against human trafficking as well as the national agency for fight against human trafficking, NGOs/Associations deplore the absence of a compensation fund for victims of trade, thus limiting the agency in the realization of its mission. To this are added the non adoption of the national Action plan for fight against human trafficking and the absence of a reference center for victims of trade.

Recommendation:

NGOs/Associations urgent call on the State for the quick establishment of the compensation fund for victims of trade in accordance with the dispositions of the ordinance mentioned above and the creation of reference center for victims of trade.

5.40. Sale, sexual exploitation and mistreatments

Several legislative measures are taken by the State in order to fight and to repress child trafficking, sexual exploitation and abuse. Prosecution of sexual abusers is timid.

Thus, during the legal year 2009-2010, only 158 out of 1200 abusers announced were prosecuted, representing 13.13%.

We also note the absence of a reference center for support of the children's who fall victim of sexual exploitation and abuse.

Recommendation

NGOs/Associations recommend to the state the strict application of the prescribed law.

5.41. Justice for minors.

Despite the revision of ordinance 99-11 bearing on the juvenile courts, the issue of the criminal responsibility set at 13 years by the penal code for natives of Niger is not settled, which is in contradiction with the first article of the Convention on Children's Rights (CCR).

Nevertheless, NGOs/Associations welcome the creation in some prisons of special sections for minors.

NGOs/Associations note that the time prescribed for the treatment of the affairs implying the minors is relatively long because of the large numbers of speakers on their file and this, despite their vulnerability.

5.42. Ratification of international and regional instruments

NGOs/Associations note that the protocol of Maputo is still not ratified by the State of Niger welcome the drafting of the initial report on the application of the optional protocol of the Convention on Children's Rights (CDE) on child trafficking, prostitution and pornography.

5.43. Monitoring

NGOs/Associations deplore a lack of monitoring especially the transmission of the recommendations to the members of the Government, to the Parliament and also to the regional and departmental authorities.

5.44. Dissemination

It is noted that the second periodical report and the related recommendations were insufficiently disseminated.

5.45. Next report

Here, we note that the time required (October 2012) for the transmission of the compiled periodical report (3rd, 4th and 5th) of Niger is not respected.

Recommendation

NGOs/Associations recommend to the State to take all the necessary measures for the respect of the time of the periodical reports' writing.