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**REPORT OF NON-GOVERNMENTAL ORGANIZATIONS AND  
ASSOCIATIONS ON THE IMPLEMENTATION OF THE  
CONVENTION ON THE RIGHTS OF THE CHILD IN NIGER**

September 2001

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### **LIST OF ACRONYMS AND ABBREVIATIONS**

(CRC)	Convention on the Right of the Child
NGOs	Non-Governmental Organizations
NAP	National Action Plan
SPDC	Survival, Protection and Development of the Child
MSD/P/PW	Ministry for Social Development, Population and the Promotion of Woman
CPD	Child Protection Department
MPH	Ministry of Public Health
MNE	Ministry of National Education
MY/S/C	Ministry of Youth, Sports and Culture
MJ/HR	Ministry of Justice and Human Rights
TP	Traditional Practices
FGM	Female Genital Mutilation
IEC	Information, Education, Communication
EPI	Expanded Program on Immunization
DPRS	Document on Poverty Reduction Strategy
PHSN	Population and Health Survey in Niger
MIS	Multiple Indicators Survey
OLNES	Orientation Law of the Niger Educational System
STI	Sexually Transmissible Infections
IAC	Inter-African Committee
ILO	International Labor Office

## **EXECUTIVE SUMMARY AND MAIN FINDINGS**

### **1. Introduction.**

This report is prepared by the Niger NGOs and associations network for Child (the Network) in conformity with the provisions of article 45(a) of the UNCRC. The Network which was created in July 2001 brings together all the actors in the field of the child in Niger. Most of its national members were recently created during the 1990s. In order to prepare the present report, the Network received the financing of the UNICEF office in Niger and the technical support of a national consultant Pierre Nignon.

Niger is one of the poorest country of the world, ranked last of the countries according to the human Development indexes of the UNDP. The country which was opened to a political democratization during the late 80s faced for over a decade problems of political instabilities. During that period, ministerial departments in charge of questions of the child experienced exceptional changes at political and technical levels. It is worth to note also that many studies and surveys were carried out to make available sufficient and recent statistical data and social indicators. The following data could be noted: (i) the GDP per habitant is around US\$143 since 1991, (ii) the average rate of population growth reaches 3.4 %, (iii) the fertility rate is among the highest in the world with 7.5 children per childbearing woman, (iv) 51% of the population is 15 years old and finally (v) the ratio of poor and the very poor in rural area represents respectively 66% and 36 % of the population against 58% and 31% in urban area.

### **2. General Implementation Measures**

- Almost all the international conventions and agreements related to the child were signed and adopted. A need for harmonization of some of the national legislation with the provisions of the UNCRC was identified; this could be achieved through the reforms to be proposed for action by a national committee set up to harmonize the different codes as well as the national legislation with the international conventions as a whole.
- The number of structures in charge of children requiring a special protection is well below the need on the subject; those that exist meet institutional and financial difficulties. To help on that issue, some members of the Network already bring their support in the area of social rehabilitation and educational follow up of minors in detention and the rehabilitation of disabled children.
- The Network is active in the process of the UNCRC extension in their respective fields of intervention. However, the implementation of the UNCRC would be a long way to go through sensitization actions given the importance and the place of the culture, the local tradition and the religion. It committed itself to play a key role in the coordination, the follow up as well as the evaluation of the actions in favor of child.

### **3. Definition of the child**

There is a judicial confusion in determining the majority age due to the existence of various sources of definition of child (legal, judicial, administrative and traditional).

### **4. General principles**

#### **Non discrimination.**

- Various types of discriminations both in rural and urban areas were identified; they were related to the origin, the nationality and the sex of the child.
- In spite of appreciable investments efforts achieved by the Government to bring the rural populations close to school and health centers, the children from rural areas still don't have the same chances for access to these structures as those from urban areas;
- The Network would pursue the experiment developed by some of its members for the teaching of the human rights in the education system.

### **The Child's Best Interest**

- The best interest of the child is not specified in the Constitution and it is not taken into consideration in the judicial system. The lack of effective measures to suppress the detention of minors in jails, the lack of wards for minors in prisons and preventives measures such as education in open area and finally the weakness or inadequacy of the public financing to child protection and development activities are some of indicators contrary to a taking into account of the best interest of the child. However, to the credit of both the Government and the Network, it could be mentioned the implementation of a number of vertical or integrated programs, of policies or action plans which target the best interest of the child in the field of social sectors, the village water resources and drinking water supply as well as the situation of the child in difficulty.

### **Right to life, to survival and to development**

- The Constitution guarantees to everybody the right to life, health, freedom, security, physical and mental integrity, education and training. This provision is backed by the civil and criminal codes and the ratification of international conventions in relation with the matter; moreover, the Government has adopted and implemented at various levels a series of regulations, policies and actions plans in the sectors of health, education, IST/HIV/aids, social development, housing, drinking water and poverty reduction.
- Due to social and cultural pressures, unwanted pregnancies, family planning as well as sexual education are not yet accepted; some of these situations lead to illegal abortion, children abandon and infanticides;
- The increasing level of poverty is leading children to difficult or conflict situations;
- The government should adopt measures in favor of contraception for women of childbearing age, sexual education in schools, keeping young girls in the education system in case of undesired pregnancies and the judicial support to young girls abandoned by those responsible for their pregnancies.
- The Network should contribute more in (i) the control of the prostitution of girls As well as of various utilization of children (at the level of Koranic schools (talibés)) for begging purposes in the urban areas, (ii) the social insertion or reinsertion programs for disabled, bound, orphan or abandoned children by the medium of proximity actions, (iii) actions related to health care and STD/AIDS, family planning, education, rural hydraulics, hygiene and sanitation and children work control.

### **Respect of children's opinion**

- The Constitution does not provide with precise provisions which are specially dealing with the respect of children's opinion; the Government approval on this principle is not sufficiently expressed, either on the texts or on practices;
- The principles of traditional birth right do not allow the expression of children's opinion in general and of the female child in particular, this resulting in the non consideration of this latter.
- The Network should carry out actions of sensitization in order to set up a system for a better dialogue between children and parents.

## **5. Freedoms and Civil Rights**

- The Constitution, the civil and criminal codes, the nationality code and a series of ordinances and rules provided various provisions concerning the civil registry, the names and nationality matters, the various rights and freedom set out in the UNCRC as well as their enforcement modalities. However, the concerned provisions are related to People and the Citizen.
- It is noted that the declaration of family events is not yet included in habits and the measures provided for this purpose are not applied.
- The freedom of expression of child's opinion not formally recognized is furthermore restricted by the tradition.

- Enjoying of freedom of thought, conscience and religion is limited by the influence of the social, cultural and family environment.
- There is lack of appropriated control of information for children and an absence of sanctions imposed on authors of the dissemination of this information (motion pictures for example) bad or inappropriate for the purpose of children.
- Sensitization actions are led by some of the NGOs and associations through legal training and training programs of para jurists and women serving as relay at the level of districts and villages

## **6. Family environment and replacement protection**

### **Orientation of children and evolution of capacities; responsibility of parents**

- The obligation of orientation and responsibility of parents vis-à-vis their children is stated in the Constitution which also indicates a support to be brought by public and local authorities to help parents in the exercise of this responsibility.
- It is noted a certain family disintegration in urban area coupled with an increasing refusal of parents to shoulder their responsibilities on education and orientation of their children; the level of instruction and illiteracy of parents in a context of increasing poverty does not allow those latter to provide the child with the support he needs for his development.
- The rapid disintegration of customs at the level of young people in the urban area under the influence of movies and the development of hard drug addiction are spoiling the future life of young people, hampering thus the efficient responsibilities of parents.
- There is a need to improve life conditions of populations in precarious situation through programs of job creation and income generating activities, programs of adult literacy and parents sensitization on their role and responsibility vis-à-vis their children.

### **Separation with parents**

- The initial report does not point out precise legislative, administrative or judiciary provisions as far as this issue is concerned. It mentions specially the practices and custom. Children opinion is not considered during the parents separation; it even happens that the child is taken by force from the repudiated mother during the breastfeeding period.
- An important study is carried out on the development of the phenomenon of repudiated women; it aims at stopping the phenomenon through a better interpretation of Islam concepts concerning women's rights;
- However, Human Rights Associations as well as courts, social services help women in difficult situation; for example to recover the pension allowances;
- The DPC which is recently created has not enough resources to support children in situation of separation with parents. The Network suggests that a clear partnership is to be established between the DPC and NGOs and Association for joint actions in order to better protect women and mothers rights for the higher benefit of the child;

### **Children deprived of family environment**

- The phenomenon of children deprived of family environment is growing, whereas means provided by the government are becoming less and less important; the initial report does not mention any law or regulatory text setting up the taking care of this category of children.
- Due to NGOs and Associations experiment and the public financial constraints, they should support more the government action in the field.

### **Adoption and periodic review of child placement**

- Twenty seven articles of the civil code are related to adoption. Specific administrative provisions are also developed to better secure the child's best interest during the adoption and the periodic review of the adoptions.
- Adoption in legal terms is not an extended practice in Niger due to social and traditional reasons; however, "customary adoption" that is usually practiced is based on a social solidarity system.
- NGOs and Associations are weakly involved in adoption process while insufficient and inappropriate means are made available to the DPC and courts social services to follow up of adoptions.
- The commission in charge of reforms in civil and criminal matter shall integrate the analysis of adoption procedures in its missions in view of a softening of the procedure.

### **Transfer and illegal returns**

- The criminal code represses kidnappings and abductions; a draft of law is being adopted relating to abduction.
- Kidnappings are not known in Niger, even if some sources state that Niger represents since a period of time a nerve center in this field.
- A National Action Plan (NAP) on child employment is developed and implemented through projects executed by some NGOs.
- However, a type of child trade is taking place; it is related to children coming from coastline countries of which origins and the true identity are never known. That is done under the cover of a guardian who places them as household paid workers. These children live in most of the cases within very difficult conditions, they are illiterate and neglected, for example, in case of illness. In that context, an important study has been undertaken in August 2001 by the NGO Anti Slavery International WAO Afrique on Niger households child workers' life and work conditions, in order to describe and study these working conditions, and make recommendations to tackle the phenomena;
- NGOs and Non profit associations are working out to support a socio-professional reinsertion of children transfer and illegal return situations;

## **7. Health and Welfare.**

### **Presentation of the Health sector**

- The government has made appreciable efforts to support mother and child health. Despite of these efforts, various factors still hamper child's survival:
  - the low level of health coverage, the hard works performed by the mother, the low literacy level involving a low use of existing health centers, the women's low income, source of prostitution among young girls, the low immunization coverage, the lack of micro nutrients, the mothers' illiteracy.
  - the work of children, the unbalances of growth between urban and rural areas, the development of prostitution of minors and the subsequent risks of HIV/AIDS and unwanted pregnancies.
- the public resources granted to the health sector represent 5.84 % of the national budget. This rate did not change since 1994.
- NGOS low level of involvement in the conception of health Development plans and policy reduces actions efficiency in favor (coordination, activities duplication, and access to various health services issues) of children despite the fact of many of them are working in this sector in the field.

### **Children with disabilities**

- The legal and administrative framework for the protection and the promotion of people with disabilities is well developed.
- The number of children and children guides of people with disabilities is respectively 24 000 and 8000; Only 15% of these children received modern and classic education against 18% for the koranic education.
- Some ONGs et associations are carrying out actions for assistance and training for the re - insertion of children with disabilities.
- The government support to the children with disabilities would be reinforced at the level of policies, strategies and actions plans.
- The specialized institutions as well as the NGOs and associations would contribute in the promotion and the diversification of specialized centers of education to tackle the development of the phenomenon of begging through adequate literacy programs for example.

### **Traditional practices with harmful effects on children's health**

- The portion of age between 0 to 12 years old is the one that suffers from negative consequences of harmful traditional practices as far as medical, obstetrical, social and economical views are concerned;
- Many of these Traditional Practices are largely known because of intensive information, education, communication (IEC) campaigns which were developed so far; now Female Genital Mutilations become known and recognized and to be no more considered as a taboo;
- Penalty provisions relating to female sexual mutilation would be provided in the upcoming criminal code to be adopted soon by National Assembly;

### **Life standard**

#### **Access to drinking water**

The water sector policy recently adopted by the Government regarding drinking water supply includes enough provisions to guarantee such access to drinking water for children and their communities.

It is henceforth, important to underline some constraints related to the financing of water resources works, the choice of the technology and the non mastering of new supplying channels spare parts, the process that is not always participatory in decision making resulting in putting aside children and women's needs in the implementation of water resources works and often in the failure of water resources programs management. This attitude therefore, hampers the serenity of works (failure rate assessed at. 35 %). Water resources situation shows a coverage rate of about 51.50% not including the 35 % of works out of order or not operating.

#### **About Habitat**

Children's needs are not sufficiently taken into consideration in the development of spaces both in urban rural environment. So, it is more than important to

- ✓ create the conditions for a participatory approach including women and children opinions in water resources, hygiene and sanitation programs as well as for spaces development;
- ✓ systematically couple each water resources program with hygiene and sanitation and enhance children's consultation and participation in issues related to them.



## **8. Education, leisure and cultural activities**

### **Education including training and vocational orientation**

- In spite all political, legislative and administrative measures taken, the crisis remains in the sector. The initial report openly develops the various aspects of the system crisis. The report unfortunately, remains weak as regard solutions to solve the crisis. For the time being, only 30% of children in age to go to school attend schools, mainly because of resistance of parents to send their children to school and the girls in particular.
- The slowness in the implementation of the LOSEN does not help in solving a certain number of issues that keep on being a real obstacle to the effective implementation of the UNCRC.
- From 1997 to 1999, the Government has allocated an average of 12 % of its total budget to the education sector; the main part of the operations budget of MOE is devoted to staff expenditures and school allowances.
- The general principles of the UNCRC are applied in this sector at the level of (i) the child right to express his opinion and the right to establish associations, (ii) non discriminatory principle that leads the Government to invest 80 % of infrastructures in the rural environment with the view of improving school access conditions, even though, however, school attending rate is clearly lower than in urban areas.
- NGO's and Associations are very present in the sector; most of them have developed a community approach as well as teaching innovations more or less successful with the contribution of school children's parents and opinion leaders.

### **Objectives of Education**

- The Constitution and various Treaties and Charters to which Niger is party are appropriate frameworks for children to benefit from a education of quality.
- Teaching in national languages as planned in the LOSEN conforms itself as a priority such as the civic education, the school community management, the teaching of fundamental principles of right and democratic culture, the practical and productive activities.
- There is a need to enhance the non-formal education, mainly by structuring confessionnal schools so that they better respond their educational mission.
- NGO's and Associations are very active in the education sector.

## **9. Special measures for child protection**

### **Children in emergency situation**

#### **Child refugee and affected by armed conflicts**

- Niger is a signatory of the Convention on the protection of child refugees and in conflict situation. A High Commission for peace restoration has been established to look into and find solution to the various types of armed rebellion the country went through the past years.
- Niger is not facing serious refugees issues and armed conflict; however, important social and economical reinsertion programs have been conducted for young rebels living in the North and the far east of the country.

#### **Children in conflict with the law**

- The Constitution does not include specific provisions related to the issue of children in conflict with the law. The criminal code and the criminal procedure code protect minors in detention. Legal texts establishing courts for minors have been adopted and judges for minors were trained and equipment provided for minors courts.
- Children continue to be put on trial by ordinary courts. The social services are operating in courts for the psychological issue of people in detention, without any difference concerning the specific case of children.

- Provisions to establish children's quarters within prisons wards are implemented. A re adaptation center has been operating since thirty years. Apart from programs and projects implemented by NGOS and Associations , there is not practically any financing from the national budget that deals with the preparation of socio-vocational insertion of children in prison. This inadequacy of public resources has lead to a quasi stopping of operation of the only Dakoro adaptation center.
- The issue of children born from mothers in prison wards must be studied, and adequate solutions brought to support mothers as far as nutrition and educational needs are concerned.

#### Children exploitation.

Economic exploitation and child's work

- Search for incomes for children survival in a context of extreme poverty and by lack of economic options will make difficult for a long period of time, the implementation of the ILO 138 and 182 Conventions provisions ratified by Niger.
- NGOS and Associations are working to come out with solutions to children's employment in the informal sector.
- The PSRD) must grant priority to children workers' issues and create as much as possible options and type of income generation for the concerned children's parents.
- A new type of children's work – children who are sent by their parents to serve as guides for the blind or disabled people living in the surrounding districts of the capital city - has been identified; NGO's and associations should integrate this new consideration into their activities programs.

#### **Drug abuse**

- Drug abuse is increasing in town as well as in rural areas, among children from rich or poor families; The scope of the phenomenon demands an urgent implementation of a real sensitization campaign for young people by the Government and by the civil society at large. Action programs should also incorporate the establishment of treatment centers.
- Sexual abuse and sexual violence
- There is a need to harmonize the provisions of national texts that protect children victims under 13 years old while the UNCRC provisions are related to children up to 18 years old.
- The increasing of poverty has an impact on the development of cases of sexual abuses and violence, so that more and more parents engage their daughters in prostitution while an inadequacy of human and material resources make it difficult to control the scourge.

#### **Child trafficking**

The phenomenon tends to be developed in Niger; so, it is urgent that tough sensitization and repressive measures be taken by the Government on one hand, and NGOs, Associations and stakeholders on the other hand.

## **1. INTRODUCTION**

This report aims at being a complementary and alternative report, which contains the comments and observations of NGOs and associations on the initial report on the UNCRC, produced by the Government of Niger in 1999. The report is written in conformity with the provisions of article 45 (a) of the UNCRC as well as with the general guidelines developed by the committee on the Rights of the Child. It was prepared by the Niger Network for the Child (the Network), which was created in July 2001, with a view to ensuring a healthy coordination and harmonization of the actions of NGOs and Associations that work in favor of the child in Niger.

The Niger Network for the Child brings together all the actors in the field of the child in Niger. Most of these structures and the civil society were recently created during the 1990s. Some of them were involved in the working out of the Government policies and strategies related to the child, especially the popularization of the UNCRC; the working out and the implementation of the National Actions Plan, child survival, protection and development (CSPD), as well as of the initial report of the Government. However, only the NGOs and Associations that are members of the Network contributed to the preparation of this report.

**Context/Country:** Niger is one of the poorest countries of the world, ranked last of the countries according to the Human Development Index of the United Nations' Development Program (UNDP). The country that was open to political democratization since the late '80s, faced serious political instability. During that period, the ministerial departments in charge of child's matters went through exceptional changes of political offices and executive officials (12 ministers of Social Development, Population and the Promotion of Woman, 8 ministers of Public Health, 10 ministers of National Education, and an even greater number of permanent secretaries and national directors). Unfortunately, this situation, coupled with other important disturbances on the social front, caused a malfunctioning of the concerned administrations. In the country, many studies and surveys were conducted, which make available, sufficient and recent statistical data and social indicators contained therein, e.g., in the Demographic and Health Survey (DHNS) 1998, the 1999/2000 School Statistical Yearbook, Multiple Indicators Survey (MICS II) 2000. The main macro economic aggregates recorded a negative evolution for nearly a decade in a context of aggravated poverty in the country: the GDP per inhabitant is around US\$143 since 1991; the average rate of population growth reaches 3.4%; the fertility rate is among the highest in the world with 7.5 children per woman of childbearing age., 51% of the population is less than 15 years old. According to the PSRD developed by the Government in 2000, the ratio of the poor and the very poor in rural area represents respectively 66% and 36% of the populations against 58% and 31% in urban area.

**Partnership Process:** This quite generalized situation of poverty in the country and the less evident improvement perspectives in a short term, make even more necessary the establishment of a better articulated consultation, partnership and dialogue framework between the Government, the civil society, the NGOs and Associations, the development partners and the concerned populations, particularly with regard to the rights of the mother and the child. Such a process was tested while working out and popularizing the document of the strategy for the reduction of poverty, and it is henceforth used as a guiding framework in all matters of development actions.

Finally, as reported by the Government, the effective implementation of the UNCRC provisions will be a long term popularization work; this is due to the fact, on one hand, of the persistence of socio-cultural and religious practices which are sometimes opposed to the UNCRC provisions and, on the other hand, of the country's financial and economic constraints.

The rights of the child which are not yet effective due to this situation and others, could constitute opportunities for proximity actions by NGOs and Associations of the network working in this field.

## **2. GENERAL APPLICATION MEASURES:**

### **2.1 Harmonization of national legislation and policies with the UNCRC provisions:**

- (i) A national commission in charge of legislative reform of civil and criminal matters was set up in 1994, with a view to harmonizing the national legislation with the international provisions; a draft reforms document was submitted to the National Assembly for adoption; likewise, on the basis of the bill on infants introduced by this commission, an ordinance dated May 11<sup>th</sup>, 1999 relative to the creation of tribunals for infants, integrating the provisions of the UNCRC, was adopted on the same May 11<sup>th</sup>, 1999; eleven judges were trained, and equipment supplied to the tribunals.
- (ii) On the institutional side, the ministry in charge of social development, population and the promotion of the woman got its mission enlarged to include child protection, and a national department of child protection was created to this effect. A series of national laws were taken for the adoption of minimal rules related to the social protection of the disabled (ordinance 93-012/PRN dated March 2, 1993), the creation of a national technical committee for the promotion of the disabled (Decree 97-255/PM/MDS/P/PF dated July 26, 1992), and the creation of the sports management committee for the disabled (Order 102/MCCJ/S/DEPS dated July 26, 1992).
- (iii) Concerning the encountered difficulties, one notes the non-existence of a ward for minors in prisons, the case of Niamey excepted, and of an adequate mechanism for supporting children who are in conflict with the law. The tribunals for infants do not have effective human and budgetary resources to carry out their missions. Furthermore, the tribunals for infants in the rest of the country, do not exclusively deal with the cases of minors. According to the data from the initiative 20/20 study made in 1996, the cumulated budget of social expenses represent only 30% of the general budget, the expenses on the social sectors represent 15% of the general budget, and finally, only 12% of public aid to development are allocated to the social sector; this indicates insufficient financing of the technical ministries in charge of issues of the child (MSD/P/WP, MPH, MOE, MJ/HR, MYS/C).
- (iv) On the administrative plan, the number of structures in charge of children requiring a special protection is well below the need on the subject and those that exist meet institutional and financial difficulties in their working. However, some NGOs and Associations give their support for the social rehabilitation and the educational follow up of imprisoned minors as well as the rehabilitation of the disabled children.

### **2.2 The existing or planned mechanisms to co-ordinate the implementation of the Convention:**

The Government report put forward missions, objectives and the institutional and financial means of the implementation of the National Action Plan (NAP) for the survival, the protection and the development of the child. The report recognizes that the implementation of the NAP has only been partially realized; moreover, the heaviness of the institutional arrangements, as well as the multiplicity of the actors in the implementation, led to difficulties in the harmonization, co-ordination and follow-up of

the intended actions. The Network of NGOs and Associations commit themselves to contribute substantially in the co-ordination and assessment of actions for the child.

### **2.3 Information and Plea:**

The NGOs and Associations are active in the process of popularization of the UNCRC in their respective fields of intervention (health, education and training, social rehabilitation, exploitation and employment of children, etc.). The study of the rights of the child perception will constitute an important assessment tool of the adopted methodology for the popularization of the UNCRC. Notwithstanding the conclusions of this study, the Network, in partnership with the Government, should set up as soon as possible, a periodical follow-up and assessment mechanism such as provided for by the committee. The Network will carry on with the experiment initiated by some associations to include the teaching of human right in the school programs.

The popularization of the initial report, as well as the periodic reports should, whenever possible, reach the local governments areas and village level. For this reason, a strategy and program of communications must be developed by specialists of mass communications, who will take into account the local situation, customs and religion, in order to ensure maximum chance of success of the popularization exercise.

## **3. DEFINITION OF THE CHILD**

- 3.1 As indicated in the initial report, there is a legal confusion in determining the majority age, due to the existence of various legal provisions in force, related to the definition of the child; the report notes the need for harmonization on one hand, at the level of the differences observed between some provisions contained in the Constitution of August 4, 1999, the Educational System Orientation Law dated June 1<sup>st</sup>, 1998 and the Electoral Code, and on the other hand, at the level of differences existing between the legal provisions and the usage and custom. The Harmonization work will devolve on the Committee in charge of legislative reforms on civil and penal matters.
- 3.2 The Network recommends to the concerned partners (Government, civil societies, development partners, populations) to carry out a profound reflection, and urgently work out and implement an action plan concerning especially: (i) the existence and persistence of the practice of forced marriages and sexual abuses which are generally not declared and hence unpunished, as well as traditional practices harmful to the health of the child; (ii) the existence of slave and cast societies and practices (which are common in some regions of the country), and this in spite of the provisions of article 12 of the Constitution of August 4, 1999 which stipulates that "No one will be subjected to torture, to slavery nor ill or cruel treatment, inhuman or degrading"; (iii) the adoption of a family's code. These are a long term popularization and proximity actions where the NGOs and Associations of the Network, just like some human rights associations, will have to play a leading role.
- 3.3 The Network also recommends a review or an update of some provisions of the Niger Educational System Orientation Law. This relates among others, to the absence of any provisions relative to the withdrawal of the child, or refusal by parents to enroll their child, within the framework of the educational system before the age of 16 – as mentioned in the initial report, but not in the Orientation Law – whose non-implementation could negate the assessment principle of the level of the school children. Lastly, it is necessary to modify the age group of 4-16 years which makes school

attendance compulsory, to make it conform to that contained in the Orientation Law (4-18 years).

4. **GENERAL PRINCIPLES:**

4.1 **Non-discrimination:**

(i) **Legislative, administrative or legal measures:**

The Government report mentions the effective ratification of the various documents related to Human and People's Rights; the Constitution dated August 4<sup>th</sup>, 1999 does not contain any specific provisions in connection with the protection of the right of the child.

(ii) **Analysis of the situation:**

The social and cultural status of women and girls, especially in semi-urban and rural environment is a discriminatory factor: obligation to submit themselves to their parents and to their husbands, premature and forced marriages of teenage girls, resistance of parents to send girls to school, difficult access to health care centers and benefits, to land property, discrimination in the share of inheritance and in succession.

The existence to this day, of slavish and cast societies and practices in some regions of the country causes discrimination among children according to their origin;

In spite of appreciable investment efforts made by the Government to bring the rural populations close to school and health centers in a country of over 1.2 millions square kilometers, the children from rural areas still don't have the same chances to access to these structures as those from urban areas;

Article 19 of the Constitution of August 4<sup>th</sup>, 1999 stipulates that "the Government will see to the equal opportunities of disabled people with a view to their promotion and/or their social rehabilitation"; a series of international and national laws have also been adopted with a view to improving the living standards of disabled persons. However, the disabled persons, particularly the disabled children, don't have the same advantages as the other children, due to inadequate and inefficient support at the educational level, and access to public services.

The increased urbanization in conjunction with the pauperization of marginal populations, the development of the phenomena of the street children and/or children lacking a family environment, create situations of discriminations among children according to their social and family origin.

The principle of non-discrimination and its application to foreign children are not sufficiently known; this discrimination is observed particularly in the fields of access to school and to health facilities.

Finally, it should be noted that only the children of civil servants and salaried workers enjoy a social protection and family allowances.

(iii) **Recommendations:**

The Network recommends the implementation by the Government, with the full participation of the civil society and the development partners, of specific strategies and action plans aimed at softening gradually some notorious discriminations, particularly: (i) the sexual discrimination through the implementation of public awareness campaigns, to support the adoption in 1992 of the National Policy for the Promotion of Woman; (ii) the discrimination of background or origin through a strict implementation of the provisions expressed in the Constitution; the support and collaboration of the traditional rulers would be decisive in the implementation of these actions; (iii) the discrimination against disabled children through the adoption of a policy for a real improvement of the living standards, education and health, as well as the social rehabilitation of these children; (iv) discrimination against street children and Coranic school children.

4.2 **The child's best interest:**

(i) **Legislative, administrative and legal measures:**

The best interest of the child is not specified in the constitution. The various legal and regulatory provisions in force concern more the sectorial orientation and they don't precisely emphasize on the need to take into account the best interest of the child.

(ii) **Analysis of the situation:**

In the judicial system, the best interest of the child is not always taken into account. However, Government can be credited to have implemented a number of vertical or integrated programs of policies or action plans which target: (a) the best interest of the child (in the fields of mother and child care – nutrition, immunization, breast feeding, diarrhea, malarial fever, micro-nutrients, family planning, STI/AIDS...); (b) the education (improvement of the conditions for access to school, relatively free education, young girls' education); (c) the improvement of the living standards of the child (supply of potable water in villages, building of school latrines, etc...);

The absence of measures to suppress the imprisonment of children, the lack of separate wards for imprisoned children, the weakness and insufficient government funding of activities geared towards the protection and development of the child, are some of the many indicators that are contrary to the supreme interest of the child.

NGOs and Associations carry out actions for the supreme interest of the children who violate the law, deprived of family environment or in a replacement environment, of children being economically or sexually- exploited, and the disabled children, just as they do in the fields of education, maternal and child health care, supply of potable water in villages, struggle against traditional practices harmful to the child, struggle against STI/AIDS, training on the rights of children, etc...



### **(iii) Recommendations**

- Find ways to avoid putting children into jail. In the meantime, restore the regulatory remits of the tribunals for infants and equip them with appropriate working means;
- Take any necessary legislative provisions to ensure the respect of the best interest of the child at the level of preventive measures for children; make operational the wards for minors in the prisons and equip prisons with sufficient means for education and training for the social rehabilitation of imprisoned children;
- Set up an open field educational action system and create a national directorate for monitored education;
- Equip with sufficient and adequate resources, the children's custody homes for children in difficult circumstances or in conflict with the law; increase the budgets of the ministries in charge of children during the budget allocation by the government;
- Carry out joint awareness campaigns (Government, civil society, development partners) with opinion leaders, traditional rulers and the populations in order to effectively take into account the supreme interest of the child in various situations, in any decision or action concerning them;
- Study and set up within the framework of the poverty reduction strategy, a national policy as well as an adopted social protection system for children coming from poor and very poor marginalized populations.

### **4.3 Rights to life, to survival and to development**

#### **(i) Legislative, administrative or legal measures:**

Article 11 of the August 4<sup>th</sup>, 1999 constitution guarantees to everybody the right to life, health, freedom, security, physical and mental integrity, education and training. This provision is backed by the civil and criminal codes and the ratification of international conventions in connection with the subject matter; moreover, the Government has adopted and implemented at various levels, a series of by-laws, regulations and laws, policies, strategies and action programs in the field of health, STD/AIDS, education, social development, housing, water, poverty reduction....

#### **(ii) Analysis of the situation:**

- Due to socio-cultural pressures, unwanted pregnancies are not yet accepted, leading therefore to illegal abortion, abandonment of children and infanticides; those various consequences constitute a danger for the life and survival of children.
- The statutory provisions do not allow pregnant girls to pursue their education;
- The impoverishment of the population is gradually leading children in difficult or conflict situations with the law; development of begging, prostitution, exposure to degrading or risky jobs, difficulty of access to paid health care, addiction to hard drugs. Similarly, in the absence of a sufficient economic growth, we assist in the development of rural exodus of young people to the urban centers and abroad, the increased of unemployed youth, the gradual prevalence of insecurity in the urban centers and the development of casual prostitution of young girls.
- Reluctance to the family planning is still very strong; only 14% of women from age 15 to 49 make use of contraception and the medium size of the families is 5.9; sexual education is not yet formally included into the school programs; however, campaigns against STD/AIDS is arousing a certain interest since 1999/2000.

(iii) **Recommendations:**

- The Government should adopt measures in favor of contraception for women of childbearing age, sexual education in school, keeping pregnant young girls in the education system and the judicial support to young girls abandoned by those responsible for their pregnancies.
- NGOs and Associations should participate in the struggle against minors' prostitution, various utilization of children (at the level of Koranic schools for begging purpose in the urban centers;
- We should also, as some of us do, participate more in the social integration or rehabilitation programs for the disabled, deprived, orphan or abandoned children through proximity actions;
- We should contribute more to actions related to health care and STD/AIDS, family and education planning, rural water supply, hygiene and sanitation, and struggle against children's employment. They should also contribute to the prevention and care for unwanted pregnancy cases, through sensitization and assistance actions to the concerned young ladies.
- We should pay specific attention to the growing population of unemployed young people, whether trained or not, particularly through programs for learning odd jobs and community works and other initiatives and socio-economic integration programs.

4.4. **Respect for children's opinions**

(i) **Legislative, administrative or legal measures:**

The Constitution does not stipulate specific and precise provisions in connection with respect for children's opinions. However, two statutory regulations have been identified in connection with the respect for children's opinion: authorization to gather into school associations, celebration of the African Child International Day.

(ii) **Analysis of the situation:**

- The Government approval of this principle is not sufficiently expressed, neither in the regulations nor in the legal provisions and practices. There is no formal medium of expression of children's opinions.
- At the school level, there are liaison report cards in secondary schools, organizations of disabled persons, as well as projects for the rehabilitation of children in difficult situation.
- Television and radio broadcasting programs for children are more oriented to the urban area; no existing evaluation report of the audience was available within the framework of this present Network report.
- At the level of family and society, the principles of birthright and filiation do not allow the expression of children's opinion in general and the female child in particular, which results in the non-consideration of this latter.

### (iii) Recommendations

- NGOs and Associations should carry out some actions of sensitization in order to bring about a dialogue between children and parents. The approach would consist in targeting first, families and young people from urban centers and schools and then extending it gradually to the rural areas and the villages.
- A teaching method for the child to learn how to express his own opinion could be inserted into the educational programs and into public and private documentary programs; the establishment of consultation and expression framework for children, without any discrimination, would be an opportunity for them to express their own opinion.

## 5. FREEDOMS AND CIVIL RIGHTS

### (i) Legislative, Administrative or Legal Measures:

The August 4<sup>th</sup>, 1999 Constitution, the civil and criminal codes, the nationality code and a series of ordinances and rules have provided various provisions concerning the civil registry, the names and nationality matters, the various rights and freedom set out in the UNCRC as well as their enforcement modalities. The said provisions relate to Man and the Citizen.

### (ii) Analysis of the situation:

Name & nationality: Although Article 251 of the Criminal Code represses the non-declaration of birth, we can notice that the declaration of family events is not included in habits, and measures provided for this purpose are not applied. The level of instruction and the lack of sensitization of generally illiterate populations are making difficult the rightful apprehension of the importance of civil registry documents.

A modification of the Ordinance 84-33 dated August 23<sup>rd</sup>, 1984 suppresses the discrimination that existed towards children born from an alien father but with a mother, citizen of Niger.

Protection of identity: A child born out of wedlock constitutes a shame for the family. Bearing the name of his mother becomes a kind of social marginalization for the child;

Liberty of expression: Provisions set out in the initial report are related essentially to the freedom of expression. The Constitution of August 4<sup>th</sup>, 1999 does not include liberty of expression for children as mentioned in page 26 of the initial report.

The freedom of expression for children, which is not formally recognized, is furthermore restricted by the tradition.

Access to information: A very few legal measures on this issue exist. Anyway, an important provision of the ordinance on the freedom of press regulates the broadcasting of information for children. It has been observed an insufficient and virtual lack of monitoring of programs broadcast to children and no penalties are provided for by the law towards those responsible for the broadcasting of these types of pernicious and indecent programs towards children in urban areas.

Freedom of thought, conscience and religion: Enjoying these liberties is limited by the influence of the social, cultural and family environment, as well as by the responsibility of education devolved to parents by the constitution. A very few options are left to the child as far as religion is concerned, due mainly to the fact that the environment is closed to the external world and there is strong parental influence.

Protection against bad treatments: This right is recognized by the Constitution and the Criminal Code protecting children against all kind of ill treatments. However, the physical cruelty is always in practice in family environment and Koranic schools, trial against such treatments hardly exist. The same case applies to young ladies given by force for marriage, suffering morally and physically some forms of violence.

Contributions of NGOs and Associations: Sensitization actions are led by some of them through some legal training and through some training programs of para-jurists and women serving as relay at the level of districts and villages. The concerned NGOs and Associations lack sufficient means to carry out actions of widespread sensitization needed by the situation.

(iii) **Recommendations:**

**Civil Registry:**

- **At the Government level:** continue the training of the local structures manned by auxiliary staff in charge of sensitizing and establishing documents;
- **At the level of civil society:** carry out sensitization actions targeted towards the importance of these documents;
- **At the level of development partners and the Government:** Ensure institutional and financial support programs for this widespread, long and exacting tasks; mass literacy programs might be a good opportunity;
- **Access to information:** it is urgent to stage a struggle against the development of pornographic or violent movies in areas with high population density; the control and censorship commission of movies projections should be reactivated.

6. **FAMILY ENVIRONMENT AND REPLACEMENT PROTECTION**

6.1 **Family guidance of the child and development of his/her capacities: parental responsibility:**

(i) **Legislative, Administrative or Legal Measures:**

The obligation of career guidance and responsibility of parents towards their children is stipulated in the constitution which also provides for a state and local authorities support for parents in the exercise of this responsibility.

(ii) **Analysis of the situation:**

- The Network is witnessing a disintegration of the family tie in urban and particularly at the level of: (a) large families; (b) polygamous families; (c) uneducated families, marginalized families living in the suburban areas of big cities. This situation is worsened by the generalized poverty in the country which consequently leads to abduction by parents from their responsibilities on education and guidance of their children;
- The level of instruction and illiteracy of parents does not allow them to provide the child with the needed support for his development;
- Structural incapacity of parents, most of whom are illiterates, to contribute fully and efficiently in the choice of fields of studies for their children, even where those parents take an active part in the works of the local commission for career guidance for children.
- The increasing disintegration of good manners at the level of young people in the urban area under the influence of movies and the development of hard drug addiction is spoiling the future life of young people, thus hampering the efficient responsibilities of parents;
- National and local authorities support to parents as provided for by the constitution is still vague as regards its implementation, and thus difficult to appraise.

**(iii) Recommendations:**

- Improving the conditions of life of the populations in precarious situation through programs for job opportunities and income generating activities;
- NGOs and Associations should elaborate integrated development and adult literacy programs and sensitization of parents on their roles and responsibilities towards their children.

**6.2 Separation from the parents:**

**(i) Analysis of the situation**

- The initial report does not point out precise legislative, administrative or judiciary provisions with regard to this point. It mentions essentially the practices and custom;
- Children's opinion is not considered during separation with the parents, the decision concerning this case is taken either by the judge or by the family according to the case; it happens sometimes that the child is taken by force from a repudiated mother during breastfeeding period;
- Let's note that the DPC, which is newly established, has not enough resources to support children from divorced parents;
- An important study is carried out on the development of the phenomena of repudiated women; workshops and seminars are organized to set up strategies aimed at checking out the phenomena through a better interpretation of Islamic precepts concerning woman's rights;
- Similarly, some human rights associations, as well as courts, social services, help women in difficult situations, for example, to recover food allowances.

**(ii) Recommendations**

- The DPC should be provided with operational resources for sensitization and training at the national and regional levels. It should be helped to set up an evaluation and indicators systems in order to assess the impact of activities; a true partnership is to be established between the DPC and NGOs, and Associations, for joint actions in order to protect women and mothers rights for the supreme of the child;
- Children's Rehabilitation Centers should be increased and provided with adequate operational means.

**6.3 Children deprived of family environment:**

**(i) General Remarks:**

The phenomenon of children deprived of family environment is growing, whereas means provided by the Government are diminishing. A decentralization of centers is a must for equitable distribution of resources. The initial report does not mention any law or regulatory provision spelling out how the case of this category of children should be addressed. The DPC is in charge of ensuring the implementation of children's rights supported by three centers all of them located in the capital city.

**(ii) Recommendations:**

- The commission in charge of reforms of the civil and criminal matters must integrate the analysis of adoption procedures in its missions, with a view to softening these;

Due to NGOs and Association experiences and the Government's financial constraints, they should give more support to the Government action in the field; to that effect, any kind of gifts, legacy and subsidies shall be sought to morally and materially support these children.

#### **6.4 Adoption and periodical follow-up of child placement**

##### **(i) Legislative, Administrative or Legal Measures:**

Twenty-seven articles of the Civil Code are related to adoption of children. On the administrative part, specific provisions are also developed to better secure the child's supreme interest during the adoption and periodic assessment of the adoption.

##### **(ii) Analysis of the situation:**

Adoption, in its legal context, is not a widespread practice in Niger due to social solidarity system to welcome orphans; moreover, steps involved in the preparation of files, and the social investigation related to adoption, discourage those who want to adopt a child.

Customary adoption which is a more current practice is based on a social solidarity system to welcome orphans by a close relative; this type of child adoption does not however, give any right to the adopted child to succession and inheritance of the adopting parents' legacies.

Inadequate means made available to the DPC and courts' social services do not allow an adequate follow up of adoptions cases.

It has been noted a poor involvement of NGOs and Associations in the fields of adoption.

##### **(iii) Recommendations:**

- The Commission in charge of reforms in civil and criminal matters must integrate the analysis of adoption procedures in its missions with a view to softening the procedure;
- NGOs and Associations must participate in the follow-up process of adoption

#### **6.5 Transfer and illegal returns**

##### **(i) Legislative, Administrative or Legal Measures:**

Article 255 of the Criminal Code represses kidnappings and abductions of children, a draft project is being adopted relating to abduction.

##### **(ii) Analysis of the situation:**

Cases of kidnapping are not known in Niger, even though some sources state that Niger has become the hub of this activity since a period of time. A National Action Plan (NAP) on child

employment has been developed and is being implemented through projects executed by some NGOs.

On the other hand, there is a type of traffic of children from coastline countries whose origins and true identity are never known, because of the lack of identification cards – that is done under the cover of a guardian who places them as household paid workers, vulcanizing or mechanical apprentices. These children live in most cases in very difficult situations; they are ill-treated and neglected in case of illness.

An important study was conducted in August 2001 by the NGO Anti-Slavery International, WAO-Africa on Niger children households workers living conditions, in order to describe and study these working conditions, and make recommendations for their improvement.

Humanitarian NGOs and Non-Profit Making Associations should support a socio-professional rehabilitation of children in situation of illegal transfer without returns.

(iii) **Recommendations:**

- Public authorities should pay a particular attention to the practice of using children as household workers in violation of ILO Convention 182, which is nothing less than a form of child trafficking.
- NGOs and Associations should be more active in this area.

## **7. HEALTH AND WELFARE**

### **7.1 Survival and Development**

(i) **Analysis of the situation:**

Various factors hamper child's survival:

- At the level of prenatal period:
  - The lack of health coverage involving a poor follow-up of pregnant women and children on consultation;
  - Hard works performed by the mother (fetching water, farm works);
  - The low educational level involving a low use of existing health centers;
  - Women's low income, source of prostitution among young girls, leading to unwanted pregnancies followed by abortion, infanticide
- At early childhood (0-5 years old)
  - The poor immunization coverage, lack of micro nutrients, mothers' illiteracy, hamper and compromise children's growth;
- At the childhood (5-12 years old)

Children's work which dangerously hampers their physical and psychomotor development;
- At teenage level (12-18 years old)

Growth unbalance between urban and rural areas results in development of migration at this age, prostitution and risks of HIV/AIDS and unwanted pregnancies.

(ii) **Recommendations:**

- A larger involvement of NGOs and Associations in the development and implementation of health development plans;
- The state of poverty of households and women in particular, requires that a priority be given to mother and child health care, to food security within the framework of struggle against poverty programs and strategies.

7.2 **Health and Medical Care Services:**

(i) **Legislative, Administrative and Legal Measures:**

Government has made appreciable efforts to support mother and child care sector. It has also adopted in 1995 a national policy declaration that put an emphasis on the enhancement of mother and child health, whose set objectives are as follows:

- Enhance mother and child health care, including family planning in order to reduce mother and infant-juvenile mortality rate;
- Improve good food and nutritional conditions;
- Enhance the education for health;

It is also noted the adoption by Government of the Initiative 20-20, the Bamako Initiative and various policies such as primary health care costs recovery policy, generic essential drugs policy, and the family planning policy, etc...

To translate into action this health development policy and the various above-mentioned policies, national child survival, protection and development programs have been developed and implemented within the framework of the 1994-2000 Health Development Plan. Among these we have:

- National Diarrhea Diseases Control Program
- National Malarial Fever Control Program
- National Acute Respiratory Infectious Diseases Control Program
- Reproductive Health Program
- Expanded Immunization Program

These various programs are supported by social mobilization actions through health and nutritional education.

(ii) **Analysis of the situation**

**Assessment of the system at the national level:**

The assessment of the performances of the Niger health system is made through a periodic assessment of programs being implemented. Results from researches made through the MICSS-2000 Survey, 1998 DHNS and the 1994-2000 assessment of the Health Development Plan, are added to the periodic programs assessment. Niger also has statistical data which are regularly updated, thanks to a National Health Information System.



The Current Situation is as follows:

- Financing of the sector: financial resources allocated by the Government to the health sector represent 5.84% of the national budget. This rate did not change since 1994. In terms of expenses, about 1270 F CFA are theoretically allotted per year/citizen. The equity in the distribution of these resources is assessed at 0.883 according to the WHO. This index classifies Niger on the 161<sup>st</sup> rank on the list of WHO members.
- NGOs and Associations involvement: NGOs' poor involvement in the elaboration of health development plans and policy reduces the efficiency of the actions in favor of children (co-ordination, duplication of activities and access to various health services issues); in order to guarantee and promote the child's right to health, many NGOs are working in health area both at national and regional levels, through:
  - IEC
  - Establishment of counseling centers for young people;
  - Establishment of integrated clinics (family);
  - Establishment of health huts in rural areas;
  - Purchase of contraceptive drugs
  - Immunization of children against target diseases included in the Expanded Immunization Program (PEV);
  - Granting micro loans particularly in rural area in order to generate incomes for parents to enable them support the child's needs;
  - Setting up of emergency transport facilities, particularly in landlocked villages (animal traction carts) and support to health infrastructures through the purchase of an ambulance;
  - Guinea worm or dracunculosis eradication at the child's level, and at the community level in general. Many NGOs have been working on supplying potable water (teaching well sinking, water purification techniques, etc...).
  - Blindness controls through free distribution of vitamin A capsules;
  - Malnutrition control mainly in the field of education in favor of child nutritional needs, conservation techniques, distribution of food supplement.

**Health Care Indicators:** The health coverage is 47%:

It shows the physical accessibility to surrounding health centers. It varies from an administrative region to another, moving from 100% in urban environment to 24% in rural environment. This means that 53% of the population do not benefit from these health cares. Among this population 50% are of 0-15 years old.

There are no set standards by the national regulation to evaluate health care quality at all levels, this exposes users at risks linked with both professional practices and material working

conditions. Children's health is weakened by the deficiency of preventive activities. Only 44% of mothers benefit from the help of qualified personnel during deliveries. Prenatal consultation covers 38.63% of pregnant women. Maternal mortality is 7%. Infants' consultations cover 33.21% of the target group. Vaccination coverage by the PEV is 14%.

**Child Health:**

The conjunction of factors above mentioned, and of so many others leads to infant mortality rate of 123%, infant-juvenile mortality of 274% whereas chronic malnutrition among 3 year old children is 41%, and life expectancy at birth is 46%.

**7.3 Social Security Services and Nurseries:**

Social security scheme is not widespread in Niger, the large majority of population (90-95%) has to pay its own health fees, and this has as consequence, to limit the child's right to health.

Promote the establishment of health cooperative societies in the rural areas could help solve this problem.

#### 7.4 **Disabled children:**

##### (i) **Legislative, Administrative and Legal Measures:**

The legal and administrative framework for the protection and promotion of the disabled is sufficiently developed with the adoption and/or the ratification of (11) conventions, and national and international by-laws; national and regional structures in charge of social development and NGOs and Associations are in charge of protection and promotion of disabled children.

##### (ii) **Analysis of the Situation:**

According to the data of a survey conducted in July 2001, the number of disabled children and children who are guides of disabled persons is assessed respectively at about 24000 and 8000.

- The education rate of disabled children and children who are guides for disabled persons is about 15.5% for the modern school and 18% for Coranic schools; this situation is explained by the crucial lack of specialized education, and the development of a form of employment for children who are guides of disabled persons.
- When child handicap occurs or is discovered, 72% are referred to a modern health center against 64% referred to traditional healers; health cares are paid by the family on psycho-affective, social and economic bases; they live within their families and taken care of according to their disability. At the community level, disabled children are generally poor and live on alms and charity, depending on others, vulnerable without influence, nor social consideration and they are marginalized.

The care for disabled children is distributed as follows: 17% get grants from Government, 7.5% from NGOs, 23% from religious and charitable associations, 9.6% from individuals.

Few NGOs and charitable associations have undertaken support actions, rehabilitation and training of disabled children.

##### (iii) **Recommendations:**

- ✓ At Government's level: (a) Implement on community basis, a national support and rehabilitation program for the disabled persons and their guides, provided with sufficient operational resources; (b) the creation of a department which will be exclusively in charge of the disabled; (c) creation of a vocational training center for the disabled, which must be compatible with their handicaps; (d) work out joint specific programs by the Government/religious associations, and set up a national health care system for the disabled.
- ✓ At the levels of specialized institutions, NGOs and Associations: Development and multiplication of integrating and specialized schools, begging control, specific literacy, education and training programs for children who are guides of disabled persons; contributions and institutional support for disabled persons' technical committee.
- ✓ At the Community level: Make disabled associations more dynamic; identification of disabled families and their integration within a social rehabilitation program; contribution to the implementation and re-adaptation community based management programs for disabled children.

## **7.5 Traditional Practices with harmful effects on children's health:**

### **(i) Legal provisions :**

The convention on the rights of the child (CRC), in its articles 19, section 1 and articles 24, section 3, states that Government shall take all appropriate measures to protect the child from any form of violence on one hand, and to abolish traditional practices that are prejudicial to the health of the children, on the other hand.

The charter and the Universal Declaration on Human Right adopted by the United Nations (UN) on December 10<sup>th</sup>, 1948 and the Resolution 445C (XIV), as well as the Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations on December 10<sup>th</sup>, 1970 ratified by Niger in August 1979, states that "the child has the right to health and physical integrity".

### **(ii) Analysis of the situation:**

The age group between 0-12 years old is the one that suffers most from harmful consequences of some prejudicial traditional practices (TPP) as far as medical, obstetrical and socio-economic views are concerned: bleeding, infection, tetanus, obstetrical fistula that sometimes result in death.

Among these practices, the following play a leading role:

- Removal of babies' uvula right from 7<sup>th</sup> day; female genital mutilation (FGM). The prevalence of this latter practice is assessed at 5% according to the last 1999 demographic and health survey (CARE INTERNATIONAL). But in the most affected regional administration, the prevalence is assessed at 30% according to a national survey undertaken by CONIPRAT in 1999 with the support of UNICEF and the "Pain pour le Monde" (bread for the world).
- Other practices such as scarifications, blood drain, scars with fire, are spread over the country. Besides socio-medical consequences, there is a real risk to be contaminated by AIDS virus through tools used by traditional healers.

### **(iii) Achievements:**

For many of these traditional practices to be largely known, intensive information, education, communication (IEC) campaigns were developed, Female Genital Mutilation to become known and/or recognized, and to be no more considered as a taboo, so that the topic be openly discussed. Women practising sexual mutilations accepted to give up their job by surrounding their "blades and knives" and to start new income generating works.

Penal proceedings relating to female sexual mutilation provided for in the future criminal code have been adopted by the last cabinet meeting dated July 2001. They will be submitted to the approval of the National Assembly during its next ordinary session.

Young people more and more involve themselves in the struggle against prejudicial traditional practice; they plan to set forth a Young Africans Network Against Traditional Practices, in order to join their efforts to those of the Inter African Committee (CIAF), a continental organization in charge of the issue.

**(iv) Recommendations:**

- A greater involvement of NGOs and Associations of the Network in this priority field would be appreciated and should be encouraged.

**(v) Constraints:**

- Cultural and traditional character is a factor of resistance to change;
- The wrong interpretation of Coranic precepts concerning female sexual mutilations;
- The migration of women practitioners of sexual mutilation between border countries (Niger/Burkina Faso).

**7.6 Standard of living****(i) Legislative, Administrative or legal measures:**

Under the provisions of the CDC in its Article 27, parents have the primary responsibility of ensuring the conditions of living necessary for the child's physical, mental, spiritual, moral and social development. The Government shall take appropriate measures to get this right exercised. It is however necessary to note some social considerations that make difficult, even impossible, the role of the Government. Denunciation and/or the proof that such failures from parents are rare, otherwise in-existent. On the other hand, the provisions of Articles 18.2 and 19 of the Penal Code protecting the children's property from any form of embezzlements are not enforced and their in-observance is hardly denounced.

**(ii) Analysis of the situation****Access to drinking water:**

The happy initiative being implemented at the Government level to develop a national strategy on poverty reduction will constitute an ideal framework to deal with the priorities in this sector; this also concerns the water resources sectorial policy recently adopted by the Government with the support of various development partners. Moreover, the Government policy relating to potable drinking water supply as recalled in the Government initial report includes enough provisions to guarantee such access to potable drinking water for children and their communities. It is however important to underline some constraints related to:

- Financing water resources works;
- Selection of the technology and the inability to identify sources of supply of spare parts;
- The approach which is not always participatory in decision making resulting in disregard of children's and women's needs in the implementation of water resources works and often in the failure of water resources management programs. This attitude hampers the perpetuation of works in a sector where a rate of failure of about 35% has been observed. The situation of water resources as at August 31<sup>st</sup>, 2000 shows a coverage rate of about 51.50%, excluding the 35% installations works that are out of order or not operating at all;

- Quality of water because water resources installations are not always followed with hygiene and sanitation programs, hence resulting in water contamination before and over the distance from the drainage point to the consumption point.

**Habitat:** As well as in water programs, children's needs always seem not to be taken into consideration in land development both in urban and rural areas contrary to housing recommendations.

**(iii) Recommendations:**

- ✓ Popularize the articles of the Criminal Code relating to the protection of infants and their properties;
- ✓ Encourage participatory approach which includes seeking women's and children's opinions in water resources, hygiene and sanitation programs, as well as for land development;
- ✓ Systematically each water resources program should be coupled with a section on hygiene and sanitation;
- ✓ Encourage children's consultation and participation on issues regarding them.

**8. EDUCATION, LEISURES AND CULTURAL ACTIVITIES**

**8.1 Education, including vocational training and guidance:**

**(i) Legislative, Administrative or Legal Measures:**

The Orientation Law 98-12 dated June 1<sup>st</sup>, 1998 relating to Niger Educational System (LOSEN) is in its form a legal instrument guaranteeing education rights. Many reforms have been made, and the Education States General were held during the last fifteen years. These various efforts made with a view to finding solutions to the deep crisis of the educational system did not come out with positive results as regards the improvement of the sector's indicators. A decongestion of structures in charge of the sector has been made, and educational councils at national, regional and sub-regional levels with the involvement of local authorities, school children's parents and school children themselves, have been set up in order to deal with the system's issues. The document on the strategy for the reduction of poverty gives a predominant place to the sector; a 10-year plan on education for all levels is about to be adopted, to serve as a platform of intervention strategies for all the different collaborators in the development of the sector. Finally, public expenditures reviews have been conducted over the 1996/1999 period by the Ministry of Education and the Ministry for Civil Service, in order to assess the adequacy of the ministry's overall investment and operational budget.

**(ii) Analysis of the Situation:**

In spite of all political, legislative and administrative measures taken, the crisis still persists in the sector. The initial report openly spelt out the various aspects of the crisis of the system. The report, unfortunately, remains weak as regards solutions to the crisis. The Network on its part, formulates the following remarks as contribution to the Government's report:

- The slowness in the implementation of the LOSEN hampers the curbing of a certain number of problems that still constitute an obstacle to the effective implementation of the UNCRC;

- From 1997 to 1999, the Government allocated an average of 12% of its total budget to the education sector; very huge financial resources have been invested in projects or programs in the educational sector, with the support of collaborative partners in the sector. A greater part of the Ministry of Education's operational expenses were allotted to staff salaries and scholarships;
- The general principles of the UNCRC are applied in this sector at the level of:
  - (i) the child's right to express his opinion and the right to set up an association.
  - (ii) Non discrimination principle that leads the Government to invest 80% of the infrastructures in the rural areas with a view to improving school access conditions, even though, however, school attendance rate is quite lower than what obtains in towns.
- NGOs and Associations are quite present in the sector; most of them have developed a community approach as well as teaching innovations more or less successful with the contribution of school children's parents and opinion leaders.

**The situation according to the level of education is as follows:**

Preschool Education:

This type of education is virtually in-existent in rural areas, whereas it is faced with insufficient accommodative infrastructures compared to the needs in urban areas.

Basic Education is as follows:

- A poor development of the rate of the basic education and the education rate of young girls is still low (net rate is 25.2% and gross rate is 26.9%); persistent disparities between regions, and between urban and rural areas;
- A poor retention rate of 70.4%, out of which 67.1% for boys and 75.9% for girls;
- The introduction of National Civic and Volunteering Services, which consists in recruiting unqualified teachers in most cases;
- The persistence of corporal punishments in schools by some teachers, especially in rural areas;
- Insufficient infrastructures for physical education and sports;
- Less importance given to civic and moral education;
- The continued use of scholastic methods of teaching which do not give room for creativity and expression needs of the children;
- The giving up of the school cooperative societies system and the less important place given to play and re-creative activities in schools.

The pilot education in local languages:

A study carried out in 1999 highlighted a better learning capacity in schools using local languages; the non-implementation of this type of teaching is contrary to Article 19 of LOSEN regarding the teaching language.

### Secondary School:

It is characterized by:

- (i) a poor rate (9.45%) and a poor development of this level of education in rural areas due to difficulties to access and attend these levels of education;
- (ii) an insufficient of scientific education (teachers, laboratories and manuals)

### Technical and vocational education:

This type of education is the least developed in Niger, with a total of 176 classrooms for 3995 students out of whom 1606 girls in 2000. Vocational training colleges and specialized training centers are in-existent. The school fees in higher learning and professional schools are relatively high for an ordinary family. Furthermore, all these schools are concentrated in Niamey.

### Higher Education:

There are only two universities in Niger, one is secular and the other one is islamic, and their registration capacities are quite below the actual needs; a strategic study was conducted to curb the deep crisis of the system. The Abdou Moumouni Dioffo National University does not have the requisite technological teaching communication (internet) equipment. This university is no longer affiliated to CAMES for its lecturers/researchers to be assessed, which poses a qualification and lecturers performances problems.

### Teachers' training:

Very few basic education teachers (base I & II) did receive training on UNCRRC.

### French-Arabic Education:

A more and more growing number of parents enroll their children in this type of schools to the detriment of the traditional French schools.

### Adults Education and Literacy:

Literacy rate is still very low (Ref: MICS 2000 Survey); 19.9% in urban areas (of which 30% among men, and 11% among women) against 24% in rural areas (of which 24% among men, and 5% among women).

### Private and Community Schools:

The poor development of private schools particularly at the primary school level, and the lack of private schools in some centers. The private schools are still expensive for an average Niger citizen. Community-based education is developed by NGOs and Associations working in the field, and a platform for the development of this type of education has been set up with the collaboration of the Ministry of Education and development partners.

### Specialized Education:

The insufficiency of specialized schools is crucial, and limits the access to learning for disabled children. For example, there is only school for the blind, one for the deaf, and one for the disabled children throughout the whole country.



#### Monitoring Mechanisms and Strategies:

- Article 70 of the Orientation Law of the Niger's Educational System, a National, Regional and Sub-regional Councils of education which stand as monitoring mechanisms of the educational system are set up. The powers conferred to these organs could have enabled them to play a role in the prevention of conflicts between education partners (labor unions, government, parents and school children's associations).
- The monitoring mechanisms and strategies for the implementation of the right to education also appear to be insufficient, in view of the efforts to be made by Government, to increase the rate of demand and supply of education. This situation is illustrated by: insufficient sensitization actions of the communities on the need to enroll children in school; a poor partnership between partners and Government for the enhancement of basic education; lack of performance appraisal of the educational system with regard to the right to education, and also a lack of assessment of the external efficiency of the educational system.

#### (iii) **Recommendations:**

- ✓ A review of the Orientation Law to take into account the emergence of a community-based education system;
- ✓ The need to extend the orientation system and vocational training to the level of basic education;
- ✓ A reorganization of the vocational training by specifying the programs of the different fields;
- ✓ A close monitoring of the implementation of established and functioning modalities of private general and vocational schools;
- ✓ Inclusion of civic education into subjects already taught;
- ✓ Establishment of school psychology services in basic and middle schools;
- ✓ Development of a coherent civic education program extended to all levels of education;
- ✓ Promotion of true partnership between the Ministry of Education and national NGOs/Associations working in the education sector by providing them with institutional support.

#### 8.2 **Objectives of Education:**

##### (i) **Legislative, Administrative and legal measures:**

The Constitution and various treaties and charters ratified by the Republic of Niger are appropriate frameworks for Niger children to benefit from a qualitative education.

##### (ii) **Analysis of the situation:**

Teaching in national languages is confirmed to be a priority just like other priorities, the importance of civic education, community school management, teaching of fundamental principles of rights and democratic culture, practical and productive activities, etc...

##### (iii) **Objectives and Priorities:**

Numerous and pertinent objectives are assigned to the educational system by LOSEN, mainly:

- Development of all the individual's abilities and skills;
- Practical and useful aspect of education;
- Development of proper virtues to the individual's fulfillment and the development of the Community;
- Democratization of the educational system;

- Eradication of illiteracy;
- Generalization of the teaching of national languages;
- Development of vocational training;

(iv) **Recommendations:**

- ✓ re-define urgently the objectives and contents of the educational system with a view to adapting them to our society's needs and realities, and particularly take appropriate measures to encourage and multiply the establishment of community schools;
- ✓ Enhance the informal education mainly by structuring confessional schools so that they better assume their educational mission;
- ✓ Make NGOs and Associations daring and active in their activities in the field;
- ✓ A greater involvement of NGOs and national Associations in the field;

8.3 **Leisure and Cultural Activities:**

(i) **Legislative, Administrative and Legal measures:**

The Law Act N°98-4 dated June 1<sup>st</sup>, 1999 relating to the orientation, organization and development of physical and sport activities is pertinent and takes into account the financing of young people's preparation and participation; but a poor monitoring in its implementation is noted.

A national charter and policy constitute the logical framework of activities for the youth. The National Youth Charter in its articles 16-17-19 and 20 recognizes the right of young people to leisure and cultural activities.

(ii) **Analysis of the situation:**

- Youth against their uncertain future; socio-economic integration of young people; insufficient involvement of young people in the identification, development and implementation process of activities related to the future of the community;
- Young people and the funding of their projects and initiatives; lack of training facilities, sensitizing and training in enterprising;
- Existing infrastructures: difficulty to access to sufficient infrastructures; deterioration and lack of maintenance of the infrastructures; need to implement maintenance programs by the Community;
- Adoption of a rational policy for erecting infrastructures for leisure and cultural activities involving a full participation of the youth; strict respect for spaces meant for building infrastructures for young people, and providing infrastructures with adequate equipment;
- The Ministry in charge of Youth, Sports and Leisure is a poor parent as far as budget allocation by the government is concerned.

(iii) **Priorities, Objectives and Recommendations:**

- Encourage the participation of the youth in development processes;
- Enhance young people's associative life;
- Enhance proximity sport and cultural activities;
- Work out a national policy related to recreational education and for development;
- Democratize recreational education and development, and facilitate access to a larger number of boys and girls;
- Establish recreational centers at national level.

## **9. SPECIAL MEASURES FOR CHILD PROTECTION**

### **9.1 Children in emergency situation:**

#### **9.1.1 Child refugees and victims of armed conflicts:**

##### **(i) Legislative, Administrative and Legal measures:**

Niger has endorsed the convention on the protection of children refugees and in situations of conflicts. A High Commission for the Restoration of Peace has been set up to look into, and find solutions to the effects of the various types of armed rebellion that the country went through in the past years. Specifically targeted action programs on nutrition, food aid, water resources in the concerned area, as well as the rehabilitation of the refugees and combatants of the ex-rebellion are worked out and implemented with the participation of the concerned population and the assistance of the UNHCR as well as the different development partners. The document on the Strategy for the Reduction of Poverty, as well as the perspectives of the ongoing decentralization policy, take into account the situation of the refugees and persons living in the areas affected by the ex-rebellion.

The follow-up and implementation mechanism is handled by an inter-ministerial commission which holds periodic meetings under the chairmanship of the Ministry of Internal Affairs and Land Development, and with the participation of representatives of the local populations.

##### **(ii) Analysis of the situation:**

Niger is not faced with problems related to the situation of refugees and persons living in areas of armed conflicts.

Important socio-economic rehabilitation programs have been conducted for young combatants of the ex-armed rebellion living in the northern and far-eastern parts of the country. It is the responsibility of the UNHCR, which works in partnership with the national and local authorities to handle the problems of children refugees.

#### **9.1.2 Children in conflict with the law:**

##### **(i) Legislative, Administrative and Legal measures:**

The Constitution of August 4<sup>th</sup>, 1999 does not contain specific provisions related to the issue of children in conflict with the law. However, the Criminal Code and the Criminal Procedure protect infants from imprisonment;

The laws establishing infants' tribunals have been enacted and eleven judges for infants have been trained and equipment have been provided for these institutions. Social services are working closely with the courts to bring psychological support to prisoners, without any special attention given to imprisoned children.

Legal provisions to create separate wards for children within prisons have been provided for. A rehabilitation center for children has been existing since thirty years ago.

(ii) **Analysis of the situation:**

- The existing tribunals for infants do not deal exclusively with the cases of children in conflict with the law. In spite of the equipment provided to them, these tribunals are not functioning due to the lack of operational means supposed to be provided by the Government. Children continue to be tried by ordinary courts.
- Specific social services for children do not exist; this situation is even more serious if one takes into account the resurgence of serious offences committed by children (abortion, infanticide, crimes, drug addition, rapes, etc...), due to the impoverishment of the populations.
- Children's quarters exist only in Niamey prison. Apart from programs and projects implemented by NGOs and Associations, there is not practically any financing from the national budget that deals with the preparation of socio-vocational integration of children in prison. This insufficiency of public resources has led virtually to the suspension of the operation of the only Dakoro rehabilitation center. The issue of children born from mothers in prison wards needs to be addressed, and adequate solutions brought to support these mothers in the field of nutrition and education.
- The statutory regulations and the mandate of the Dakoro Rehabilitation Center must be reviewed to take into account the realities of the moment and the provisions contained in the UNCRC relative to the protection of the rights of children.
- NGOs and Associations should involve themselves more in this field.

9.2 **Children in situation of exploitation :**

9.2.1 **Economic exploitation and work of children**

(i) **Analysis of the situation:**

- Search for incomes for children's survival in a context of extreme poverty and in the absence of economic alternatives will make difficult for a long period of time, the implementation of provisions 138 and 182 of ILO Conventions ratified by Niger.
- An inadequacy is noted concerning the age limits laid down as legal age to attend school – (16 years) and the provisions of the Labor Code (access to an employment at 14 years of age) must be reviewed.
- NGOs and Associations are working to come out with solutions in situations observed in children's employment in the informal sector.
- These actions should be encouraged and supported by development partners.

(ii) **Recommendations:**

- ✓ The Document on the Strategy for the Reduction of Poverty (PSRD) must give priority to working children's issues and create as much as possible alternatives and income generating activities for the concerned children's parents.
- ✓ It has been reported to the Network that there is the emergence of a type of children's employment, who are sent by their parents to serve as guides for the blind or disabled living in the suburban areas of the capital city; NGOs and Associations should integrate this new dimension into their programs of activities.

### 9.2.2 **Drug Addiction:**

#### (i) **Analysis of the situation:**

Drug addiction is increasing in towns as well as in rural areas, among children from rich or poor families; each child according to his own means and channels. A few arrests have been made, but there are very few preventive actions.

#### (ii) **Recommendations:**

- ✓ The scope of the phenomenon demands that urgent sensitization campaign towards young people by the Government and by the civil society at large, be undertaken. Action programs should also include the establishment of drugs treatment centers.

### 9.2.3 **Sexual abuse and sexual violence**

#### (i) **Analysis of the situation:**

Need to harmonize legal acts protecting victims under 13 years of age (national law acts) and UNCRC provisions (18 years old); the aggravation of the state of poverty make parents more and more to resort to the prostitution of their daughters. The financial constraints of the Government make it difficult to stage an efficient war against this phenomenon. A few actions undertaken by NGOs and Associations to help young prostitutes out.

#### (ii) **Recommendations:**

- ✓ The PSRD should integrate and take into account the real dimension of this phenomenon;
- ✓ NGOs and Associations appeal to partners in development for support in various ways, in order to enable them carry out actions on this field.

### 9.2.4 **Sale, Trade and Child Trafficking**

The phenomenon tends to develop in Niger; it is urgent that Government and development partners take tough sensitization and repressive measures on one hand, and NGOs and Associations on the other hand.

**ATTACHMENT 1.****SYNTHESIS OF THE RECOMMENDATIONS****1. General application measures: -****Plea and Information**

The NGOs and Associations network will carry out negotiations with the government with a view to making a proposal for a different institutional arrangement in which the government will undertake to make substantial financial contribution.

Notwithstanding the conclusions of this study, the Network, in partnership with the Government, should set up as soon as possible a periodical follow-up and assessment mechanism such as provided for by the Committee. The Network will carry on with the experiment initiated by some Associations and will conduct a reflection and negotiations with the Government and development partners for the introduction of human rights as one of the class subjects in the school program.

The popularization of the initial report after its final adoption, as well as the periodic reports should, as much as possible, reach the local government areas and village levels; It is worth indicating that the results of the study on the perception of the rights of the child must be available at the time of this implementation campaign and the NGOs and Associations of the Network will contribute at all the stages of its implementation. Mass communication specialists who will take into account the local customary and religious realities in order to ensure a maximum chance of success to the popularization work should develop a strategy and a program of communications.

**2. Definition of the child:**

- 2.1 It is therefore necessary to reactivate the works of the commission in charge of legislative reforms on civil and penal matters, with a view to harmonizing the civil, penal and civic majority age with the provisions of the UNCRC.

The Network recommends to the concerned partners (Government, development partners, populations) the opening of a profound reflection as well as the urgent working out and implementation of an action plan concerning specially (i) the existence and persistence of the practice of forced marriages and sexual abuses which are generally not declared and hence unpunished, as well as traditional practices harmful to the health of the child; (ii) the existence of slave or cast societies and practices (which are common in some regions of the country) and this in spite of the provisions of the article 12 of the Constitution of August 4<sup>th</sup>, 1999 which stipulates that "No one will be subjected to torture, to slavery nor to ill or cruel treatments, inhuman or degrading"; (iii) the adoption of the Woman and Family Code. This necessitates a long and exacting sensitization and proximity task where the NGOs and Associations of the Network, in the light of some human rights associations, will play a decisive role.

- 2.2 The Network also recommends a review or an update of some provisions of the Orientation Law of the Niger Educational System; it relates, among others, to the absence of repressive legal provisions in case of non respect of the school obligation by parents and the prohibition of any expulsion or rejection of the child from the educational system before the age of 16 years, mentioned in the initial report but not contained in

the Orientation Law – the application of which would constitute a negation of the assessment principle of the level of students. Lastly, there is need to modify in the initial report, the age bracket of 4-16 years as school obligation age, to make it conform to the one contained in the Orientation Law (4-18 years).

### **3. General principles – The non-discrimination**

The Network recommends the implementation by the Government, with a full participation of the civil society and the development partners, of specific strategies and action plans to gradually soften some notorious discriminations, particularly: (i) the discrimination of sex through the implementation of sensitization campaigns to support the adoption in 1992 of the National Policy for the Promotion of Woman; (ii) the discrimination of background or origin through a strict implementation of the provisions spelt out in the Constitution; the support and the collaboration of the traditional rulers would be decisive for the implementation of these actions; (iii) the discrimination against disabled children through the adoption of a policy for a real improvement of the standards of living, education and health, as well as the social rehabilitation of these children; (iv) discrimination against street and Koranic school children.

#### **The child's best interest:**

Restore the regulatory remits of the tribunals for infants and equip them with appropriate working facilities in connection with their mission; take all necessary steps for a respect of the best interest of the child at the level of preventive measures of children; make operational the wards for minors in the prisons and equip prisons with sufficient facilities for a training and education with a view to socially rehabilitate imprisoned children. Note that the network deep wish (target) is no child in prison. Then above are to be considered as transitional solutions.

Equip with sufficient and adequate resources the custody homes for children in difficult situation or in conflict with the law; increase budgets of ministries in charge of children in the budget allocation by the Government.

Carry out specific joint awareness campaigns (Government, civil society, development partners) towards opinion leaders, the traditional rulers and the populations, to effectively take into account the supreme interest of the child in various situations in any decision concerning them.

Study and set up, within the framework of the Poverty Reduction Strategy, a national policy for the right to life, survival and development of the child.

The Government should adopt measures in favor of contraception for women at child-bearing age, sexual education in school, keeping young pregnant or mother girls in the education system and support for young girls abandoned by those responsible for their pregnancies.

NGOs and Associations should participate more in the monitoring of girls prostitution, various utilization of children, mainly (at the level of Koranic school boys) for purposes of begging in the urban centers;

We should also, as some of us do, participate more in the social integration or rehabilitation programs for disabled children, children deprived of their liberty, orphans and abandoned ones. This can be done through proximity actions; We should contribute more to actions related to health care and STD/AIDS, family planning education, rural potable water supply, hygiene and sanitation and struggle against children's work. We should also contribute to the prevention and

care for unwanted pregnancy cases through sensitization and assistance actions to the concerned young ladies.

We should give particular attention to the growing population of jobless young people, trained or not, particularly through programs for learning odd jobs and community works and other initiatives and socio-economic integration programs.

#### **Respect of the child's opinions:**

NGOs and Associations should carry out some actions of sensitization in order to institute dialogue between children and parents. The approach would consist in targeting first, families and young people from urban centers and schools and then extending it gradually to the rural areas and villages.

A teaching method for the child to learn how to express his own opinion could be inserted into the educational programs and into public and private media's documentary programs. The creation of a consultation and expression framework for children without discrimination, would be an opportunity for them to express their own opinion. The implementation of the draft project for the creation of a parliament for children would also constitute an opportunity for children to express their opinions, provided that this future parliament be provided with adequate means to implement its policy.

#### **4. Freedoms and civil rights:**

##### **Civil Registry**

At the Government level: continue the training of auxiliary staff in charge of sensitizing and establishing civil documents at the level of local structures.

At the level of the Civil Society: carry out sensitization actions stressing the importance of these documents.

At the level of Development Partners and the Government: ensure institutional and financial support programs for this wide range, long and exacting task, mass literacy programs might be a good opportunity.

Access to information: It is urgent to combat the development of pornographic or violent movies in thickly populated areas; the control and censorship commissions should be reactivated.

#### **5. Family environment and protection measures:**

Family guidance and development of the child's capacities/parents responsibilities: Improve the conditions of living of populations in precarious situation through job opportunities and income generating activities;

NGOs and Associations should elaborate integrated programs for adult literacy and parents sensitization on their role and responsibility towards their children.

The DPC should be provided with sufficient resources to carry out sensitization and training work both at national and regional levels, and to put forward a system of indicators and assessment of the impact of these actions. A genuine partnership between the DPC, NGOs and Associations



should be established in order to guarantee the rights of the woman and the mother in the supreme interest of the child.

### **Children deprived of their family environment:**

Custody homes should be increased and provided with adequate operational resources.

Reflect on a strategy and action plans aimed at reducing as much as possible, the phenomenon; addressing the development of the phenomenon of children deprived of family environment should be given priority within the framework of the strategy for the reduction of poverty.

Due to NGOs and Associations' experience and the Government's financial constraints, they should support more the Government action in this field; to this effect, any kind of gifts, legacies and subsidies must be sought to support morally and materially these children.

### **Adoption and Examination of Placement**

The Commission in charge of Reforms of Civil and Criminal Matters shall integrate the analysis of adoption procedures in its mission with a view to making the procedures more flexible.

NGOs and Associations shall be involved in the adoption follow-up process.

Public authorities should pay a particular attention to the practice of employing children as household workers, which does not comply with the provisions of ILO Convention 182; such a practice could be assimilated to child trafficking.

NGOs and Associations should participate in the follow-up of the adoption process.

## **6. Health and Welfare**

### **Child survival and growth:**

A larger involvement of NGOs and Associations in the development and implementation of Health Development Plans.

The state of households and women's poverty demands that a priority be given to mother and child health, to food security within the framework of poverty reduction programs and strategies.

### **Disabled children:**

At the Government level: Set up and provide with adequate operational resources, community based national assistance and rehabilitation programs for the disabled persons and their guides; the establishment of a department exclusively in charge of the disabled; establishment of vocational training centers, implement joint specific programs by Government/religious associations, and set up a national health care system.

At specialized institutions', NGOs' and Associations' levels: development and increase of integrating and specialized schools, struggle against begging, specific literacy, education and training programs for children who are guides of disabled persons; bring an institutional support to the technical committee for the disabled persons.

At the Community level: Make more dynamic the associations for the disabled persons, identification of disabled families and their integration within a social rehabilitation program; a

contribution to the setting up and management of re-adaptation of community-based programs for disabled children.

Traditional practices harmful to the health of the children: a greater involvement of other NGOs intervening in this important field is more and more noted.

Habitat:

Popularize the Articles of the Criminal Code relating to the protection of minors and their properties.

Favor participatory approach which consists in consulting women and children on water resources, hygiene and sanitation programs, as well as on land development matters.

Systematically couple each water resources program with hygiene and sanitation.

Encourage children's consultation and participation in all issues concerning them.

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- Living and working Conditions of children in households in Niger;
- Anti-Slavery International WAO-AFRICA/ALTEN-OFTEN YARA/BEST, August 2001.

**ATTACHMENT 3:****List of NGOs and Associations members of the Niger Network for Children:**

- ALTEN/OFTEN
- ANAICE
- CPEN
- APN
- ACTN
- PECDI
- KULAWAR YAARA
- ENFANTS SANS FRONTIERE (Children without borders)
- AFJN
- ANDDH
- EIP
- PRAHN
- CONIPRAT
- ANBEF
- AIDE & ACTION
- AFVP
- WORLD VISION
- PLAN INTERNATIONAL