

# Statelessness highlights in Niger

March 2019



## Main highlights on Statelessness in Niger



### Prevention/Reduction

Since 2016, UNHCR Niger is supporting in the Diffa region a large-scale project carried out with a partner NGO, *Au secours des Oubliés* (SDO), aiming at identifying undocumented children (0-6 years old) born in displacement amongst the refugee, IDPs and returnee populations.

In the period 2016-2018, **23,530** undocumented children have been identified, **16,229** births were registered through mobile Courts and **15,077** birth certificates have been delivered to the concerned populations.

According to the 2015 Electoral Census, more than 70% of Nigeriens of voting age do not have civil status documents entitling them to the electoral roll.

In 2018, the Independent National Electoral Commission (CENI), in liaison with the technical Ministries concerned, organized information, sensitization and Mobile Court operations for the issuance of civil status documents throughout the national territory.

Between July and November 2018, **4,707,514** births and **71,196** marriages were registered free of charge through mobile Courts for Nigeriens who applied for the services.



### Identification

UNHCR carried out a qualitative/quantitative [study on the risk of statelessness](#) in the **Diffa** Region in 2015: the study informed that **82%** of the population targeted by the field research did not possess civil documentation, whereas **61%** (around 8,100 individuals) of the same population was assessed as being at risk of statelessness since the individuals considered were found to not possess any relevant legal link with a State.



### Protection

Niger has ratified the **1954 Convention** for the Protection of Stateless Persons and the **1961 Convention** on the Prevention of Statelessness. The country is also legally bound by the ECOWAS Banjul Plan of Action which provides the establishment of identification/protection mechanisms for stateless migrants and the issuance of nationality documents to those who are entitled to it. However, to date, no institutional mechanism is in place in the country to formally identify stateless persons and thereby ensure access to the set of rights outlined in the 1954 Convention.



### Communication & training

Niger celebrated the First **Anniversary of the Banjul Plan of Action** in Tillabery (see this [article](#) for further details), namely in the town of Ayourou and the refugee camp of Tabareybarey. The activities included awareness raising sessions on civil documentation for up to **1,000** people as well as late birth registration for **258** children belonging to the refugee, IDP and host communities (Aug. 2018).

A workshop was organized in Diffa with local Authorities and partners on statelessness (Sept. 2018).

Niger celebrated the 4th **Anniversary of the global #Ibelong campaign** in two elementary schools in Niamey hosting local and refugee children. Sessions of participative theater + sensitization on the importance of civil registration as well as on the existing procedures to obtain civil documentation were animated respectively by the NGO "*Communication pour le Développement*", the GoN Focal Point on statelessness and local authorities (Civil Registration authorities, traditional Chiefs and local Administration). Some [short interviews](#) to stakeholders and children were produced and shared through UNHCR social media channels (Nov. 2018).

## Law and Policy developments in the field of statelessness

- Niger has nominated a **Government Focal Point for Statelessness** at the Ministry of Justice.
- Niger is in the process of adopting a **National Plan of Action to fight Statelessness**, in line with the ECOWAS Banjul Plan of Action to eradicate statelessness in West Africa by 2024. The draft has already been validated in the framework of a National workshop. After further technical edits, the text will be submitted to the Council of Ministers before adoption.
- The last modification on the Nationality Code in Niger intervened in 2014, allowing for **double nationality** and **eliminating gender discrimination** in the transmission of nationality through marriage.
- The Nigerien Government actively participated in the Experts' discussions within the African Union on the draft **Protocol to the African Charter on Human and Peoples' Rights on the right to nationality and eradication of statelessness**. In November 2018, the draft Protocol was adopted by the African Ministers attending the Ministerial Segment of the Extraordinary Session of the STC on Migration, Refugees and Displaced Persons held in Malabo (Equatorial Guinea). The Protocol constitutes an innovative legal tool for the right to a nationality and the eradication of statelessness in Africa: it also contains specific provisions on access to nationality for nomadic and border populations - an issue particularly relevant for Niger and neighboring Countries.
- In December 2018, Niger became the first country in Africa to adopt a **National Law for the protection and assistance of IDPs** - in line with the 2009 Kampala Convention. In the framework of this newly enacted law, Niger engages in ensuring IDPs access to civil documents and registration of vital events through accessible procedures (art. 13, par. 3); also, a number of guarantees related to IDPs rights are ensured within the framework of durable solutions, including access to civil and identity documentation through accessible procedures; easy and non-discriminatory access to justice, and namely (*inter alia*) to the mechanisms for the reconstitution of civil documentation and/or other property documents (art. 25, par. 2 and 3).
- Niger is undergoing a **reform of its civil registration system**, implying the update of the national policy document and the reform of the existing legal instruments regulating CRVS. The vision of the new CRVS policy is "*L'état civil: un droit pour tous; une identité pour chacun; un outil de développement*" ("*Civil registration: a right for all; an identity for everyone; a development tool*"). The reform text has now been officially validated by the *ad hoc* technical working group and formally presented to the Minister of Interior, and it will continue its path for approval before the Parliament in 2019.



## The way forward...



### Prevention/Reduction



UNHCR project in the Diffa region aiming at identifying undocumented children (0-6 years old) born in displacement amongst the refugee, IDPs and returnee populations will continue throughout 2019, with a target of **13,000 birth certificates**.



### Protection



To date, no institutional mechanism is in place in the country to formally identify stateless persons and thereby ensure access to the set of rights outlined in the 1954 Convention. Given the strong link existing between migration and statelessness, and taking into consideration the particular situation of Niger, situated at a crossroad of migratory movements, it is important that Niger establishes a **procedure for the recognition of stateless status for stateless migrants** in order to identify and provide appropriate protection to those vulnerable populations.



### Identification



Besides the study conducted by UNHCR in Diffa in 2015, to date no information is available on the size and profiling of stateless populations and populations at risk in the Country. For this reason, UNHCR committed to engage in a **desk review** aiming at analysing the law, regulations and practises related to nationality issues and statelessness in Niger. The research will be carried out in cooperation with the University of Tahoua in 2019.



Birth certificates distribution, Niger



### Communication & training



Once the National Action Plan will be adopted, UNHCR will facilitate the engagement of a **network of actors** working on statelessness-related issues to produce a work plan for the implementation of the different actions described in the draft, including training and awareness-raising activities at a National level on statelessness and the importance of civil documentation.



In October 2019, a **High Level Segment on Statelessness** will be organized during the ExCom session. The event aims at showcasing the progress registered during the first 5 years of the **#Ibelong** campaign, and at registering new pledges from Governments and UN Agencies in order to meet the Campaign objectives towards 2024.



**10** trainings on statelessness and the risk of statelessness will be organized to local Authorities, partners and staff - five in Diffa (local administrations of Maine Soroa, Chetimarie, Nguigmi, Toumour, Kablewa) and five in other regions of Niger.



## CONTACTS

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## LINKS

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Cover Photo: school children celebrating the #Ibelong campaign anniversary, Niamey 2018. @UNHCR/Yonoussa