

NIGER

In 2020, Niger offered protection to 229,589 refugees and asylum-seekers from 22 countries, most of whom came from Nigeria and Mali. The number of Nigerian refugees in Niger has increased significantly over the past decade due to the Boko Haram insurgency, while Malian refugees have been fleeing to Niger since 2012 due to the ongoing conflict in the northern part of the country. Despite being a low-income country with the lowest human development indicators in the world and significant security concerns (as evidenced by the presence of 274,434 internally displaced persons) related to armed groups, the Government of Niger has generally maintained an open-door policy regarding the reception of refugees and asylum-seekers. Notwithstanding the worsening security situation and the complex geopolitical environment, the policy and institutional environment for refugees and host communities in Niger remained open and welcoming from July 2017 to June 2020 as improvements were made to asylum procedures and social protection measures.

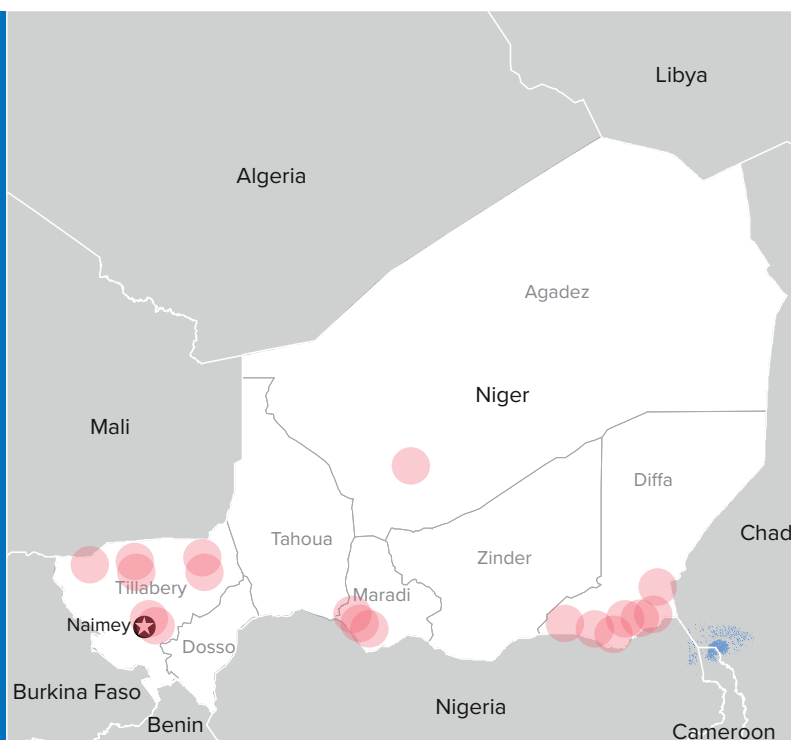
KEY POPULATION DATA

225,741
Refugees

3,848
Asylum-seekers

0.98%
of the country's population (23,310,715)
are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:
SEPTEMBER 2017



Most Nigerian refugees in Niger live in urban settlements, pursuant to the out-of-camp strategy of the government of Niger and UNHCR, with the exception of Sayam Forage camp in the Diffa region (South-East Niger). In May 2019, the Maradi region in the south of Niger near the border with Nigeria saw a new inflow of more than 35,000 Nigerian refugees, who are now mainly living in hosted arrangements with Nigerien families. Most Malian refugees live in Niger's Tillaberi and Tahoua regions on the border with Mali. Of those, the majority live in semi-rural areas (Ouallam, Ayorou, Abala), while in Intikane there are "nomadic" hosting areas known as *Zones d'accueil des réfugiés* or ZARs; others reside in Niamey.

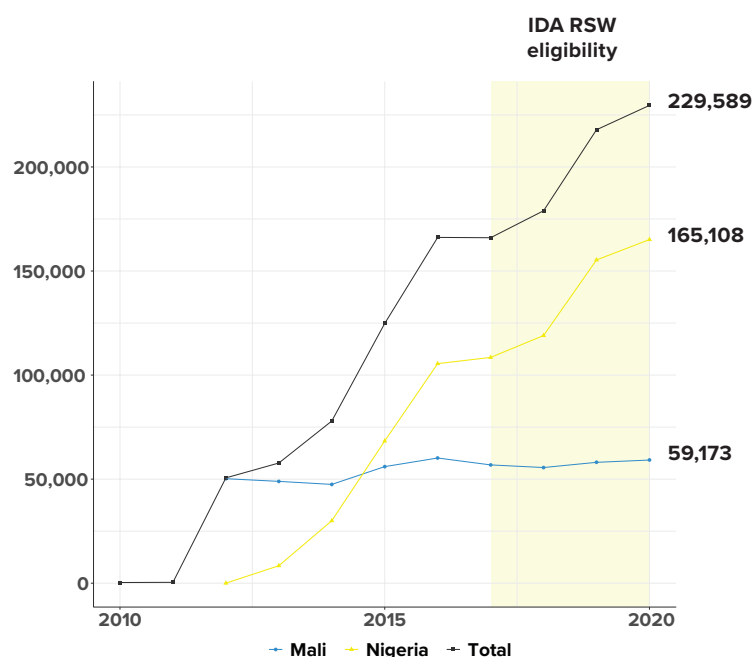


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

During the reporting period, Niger received an increasing number of refugees from the Sahel situation and the Lake Chad Basin while itself facing several attacks from armed groups, triggering internal displacement of Nigerien nationals. Against this backdrop of security challenges and poverty for both host communities and refugees, a lack of capacity and infrastructure at institutional levels, and legal and administrative obstacles in asylum procedures, the Government of Niger maintained its open-door policy and continued to promote a progressive approach to managing refugee situations by ensuring that the rights provided under its asylum legislation are protected and exercised whenever possible.

Following pledges in connection with the development of the 2018 Global Compact on Refugees (GCR) and the 2019 Global Refugee Forum, the Government of Niger has been working to revise the overall quality of the national legal and operational framework on asylum procedure and ensure legal access to land for refugees. Key policy instruments and developments in the reporting period include:

- A Memorandum of Understanding that was signed between the Government of Niger and UNHCR in December 2017 set up the **Emergency Transit Mechanism (ETM)**. This was later renewed in February 2020 for an additional two years. The ETM offers **life-saving protection, assistance and solutions to vulnerable refugees** who have been stranded in detention centres and urban areas in Libya.
- A Memorandum of Understanding was also signed on 31 January 2020 with the Ministry of Urbanism, giving some 28,000 refugees **access to land, social housing and a water supply**.
- An [Economic and Social Development Plan \(2017–2021\)](#) was developed by the Ministry of Planning to strengthen the resilience of refugees and host populations, build the capacity of national entities to deliver **basic services in affected regions**, conduct **reconstruction and recovery efforts**, promote **knowledge transfer between humanitarian/development experts and decentralized public entities**, and distribute **biometric ID cards to refugees**.
- In 2017–2018, the Government conducted a countrywide **registration campaign** aimed at collecting biometric data and issuing refugee ID cards for all refugees hosted in Niger.
- **A National Action Plan against Statelessness** in Niger was finalized and the Government of Niger undertook a reform of its civil registration law culminating in the adoption of [Law No 2019–29 of 1 July 2019](#) on civil status and its implementing Decree No 2019-463/PRN/MI/SP/D/ACR, making it easier for any refugee to register life events.

Niger became eligible for the IDA18 Regional Sub-Window for Refugees and Host Communities (RSW) in September 2017, through which the Government is pursuing policy change. In 2019, the Government began implementation of the Refugees and Host Communities Support Project (PARCA) at 15 locations affected by forced displacement. PARCA has improved the **economic inclusion of refugees and host communities** inter alia by introducing new social protection measures mainly at the 15 project sites. In 2020, the Learning Improvement for Results in Education (LIRE) project was approved, which aims to **improve the quality of teaching and learning in selected refugee-hosting communities** and to **strengthen education policies**, including for refugees.

The Government of Niger also committed to regional solutions around the Sahel and Lake Chad Basin at the [Second Regional Protection Dialogue on the Lake Chad Basin held in Abuja](#) (28–29 January 2019) and at the [Regional Protection and Solutions Dialogue held in Bamako](#) (11–12 September 2019) including reinforcing the inclusion of refugees in national and local service delivery and advancing their socioeconomic well-being by enabling their access to markets and employment.

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

At the financial and budgetary level, no policies specifically providing for timely additional financial transfers from the national level to areas economically affected by the presence of refugees are in place. However, the 2017–2021 Social and Economic Development Plan (*PDES/Plan de Développement Economique et Social du Niger*) emphasizes the inflow of refugees as an economic and security risk and identifies the lack of social and productive investments in priority areas as a major constraint.

Social protection is enshrined in the Constitution of Niger. The Government's 2011 National Social Protection Policy does not make explicit reference to host communities but recognizes the need to provide specific assistance and support for the progressive and sustainable reintegration of some groups affected by emergency situations, including disaster victims, displaced persons and refugees. The first priority area (or "axis") of the policy outlines a strategic vision to move from one-off emergency aid to the establishment of a permanent system of social safety nets that will contribute to building resilience and can be scaled up in case of crisis. The policy outlines how to link the prevention and protection aspects of social safety nets with promotion measures that contribute to poverty reduction over the medium to long term. The fourth policy axis deals with reducing inequalities and strengthening social protection for vulnerable groups (women, particularly young, and disabled persons). The general objectives of this axis are in particular to promote revitalization of the social security system and more specifically to support the existing programmes and provide special services and adequate benefits to the most vulnerable people.

With the support of the World Bank, the Government has strengthened the national capacity through the Social Safety Net (CFS) Unit which coordinates and manages adaptive social protection programmes in Niger. The CFS Unit is part of the Prime Minister's Office and has nationwide coverage, including forcibly displaced, with programmes around three main elements: sensitization, targeted cash transfers and livelihoods programming. CFS has been leading implementation of multiple cash-related projects. In March 2020, an interdisciplinary CFS working group was created pursuant to Order No 0055 of 26 March 2020, made up of various governmental and United Nations agencies, as well as civil society members, to support CFS in formulating long-term strategic, technical and operational guidelines.

1.2 Social cohesion

The sociocultural similarities between refugees and host communities in Niger are conducive to social cohesion. In fact, it should be noted that in the Maradi regions the generic term *En gudun Hijira* (literally "the people of Hegira", i.e. the prophet Mohammed's followers who had to flee from Mecca to Medina) is used in reference to IDPs and refugees regardless of their nationality and status. The Government's out-of-camp strategy is based on these endogenous dynamics of inclusion and solidarity and on the view that physical separation of individuals with differing statuses would weaken social cohesion. This strategy is part of a pragmatic medium- and long-term vision based on the assumption that the security situation in neighbouring countries will remain fragile. Depending on the specificities of each region, the different settlement and village models in place all aim to achieve inclusion. The strategy implicitly promotes socioeconomic integration to foster social cohesion, particularly in terms of access to the same level of basic services as host communities.

Presidential Decree 2014/117 created the High Authority for the Consolidation of Peace (HACP), whose main functions are to maintain peace and dialogue among different communities in Niger, in order that they may live together in trust, tolerance and respect. HACP, which is made up of various organs and relies on regional delegations, is meant *inter alia* to prevent and resolve community conflicts, facilitate dialogue and promote action towards peace and national unity. The main risks to social cohesion among refugee and host communities in Niger include competition over access to natural resources, agricultural land, grass and firewood; illegal logging; destruction of crops by stray animals; reduced areas for nomads

leading to tensions between herders and farmers; and pressure on basic services. In light of this, HACP implements several social cohesion projects in areas affected by displacement with the support of the United Nations Peacebuilding Fund (PBF). These include a project that promotes the inclusion of youth and women in conflict prevention and peaceful resolution mechanisms and provides socioeconomic opportunities for youth, as well as a peace and social cohesion project in the Diffa region that aims to address the frustrations of host populations which are affected by rampant insecurity.

The Government's National Eligibility Commission (CNE) and UNHCR have assisted in the creation of sectoral committees on areas such as education, environment and hygiene in all refugee-hosting regions. These committees are made up of both host community and refugee representatives. In Maradi, three committees have been specifically established to promote peaceful coexistence between refugees and host communities. While not yet formally established throughout the country, informal conflict resolution committees have been set up by host communities and refugees who know each other well from past interactions and shared history. These committees commonly deal with accusations of stolen livestock. Chiefdoms, often in coordination with the administrative authorities, also play a central role in supporting social cohesion and conflict resolution within and among refugees and host communities.

Many governmental and UNHCR initiatives (education and health care, one-stop shops in Ouallam, Abala and Ayorou, shelter projects for refugees also targeting vulnerable members of host communities) are available for refugees and host communities alike, which further contributes to social cohesion by avoiding disparate treatment between refugees and hosts.

Article 10 of [Law No 97-016](#) of 20 June 1997 establishing the Status of Refugees (Refugee Law) makes explicit reference to non-discrimination between refugees and nationals as regards education, health, accommodation, personal safety, security of assets, freedom to choose a place of residence and freedom of movement. Under Article 22 of [the Constitution](#) of Niger, the State commits to eliminating all forms of discrimination against women, girls and persons living with disability and to public policies supporting their self-fulfilment and participation in national development. It also provides that the State will guarantee women equitable representation in public institutions through the national gender policy and respect for quotas. Article 4 of [Law 2011-42](#) of 14 December 2011 on legal and judicial aid provides that such aid is accessible to all without any distinction on the grounds of nationality, sex, age or other such considerations. Despite the relevant legal framework, women and girls –from both refugee and host communities – have low access to education and are underrepresented in decision-making committees and employment.

1.3 Environmental management

Environmental protection, whose importance is mentioned in the 2010 Niger Constitution, is a priority expressed in several strategic plans of the Government, primarily through the 1998 National environment plan for sustainable development (PNEDD) and the 2017–2021 social and economic development plan (PDES). To support these plans, Niger has an extensive legal framework for environmental and social management which is further described below. While these policies do not directly refer to refugees or host communities, they apply in refugee-hosting areas nonetheless.

Article 2 of Law 2018-28 of 14 May 2018 determining the fundamental principles of environmental assessment provides for such assessments, under the responsibility of the National Environmental Assessment Office (BNEE) of the Ministry of the Environment, to be conducted in relation to projects, programmes or any other activities that might harm the biophysical and human environments. Such assessments are similarly carried out in refugee settlements and sites, and require a follow-up action plan addressing the environmental impacts of the refugee settlement, suggesting corrective measures and ensuring monitoring and surveillance mechanisms.

Several plans, programmes and strategies define the policy on access to energy for the entire population, notably the Rural Energy Service Access Programme (PRASE, April 2009) and the National Strategy for Access to Modern Energy Services (SNASEM, January 2006). [The National Programme for Domestic Energy](#) (PNED), currently under revision, aims to ensure an affordable domestic energy supply through

sustainable management of natural resources and biodiversity. This objective is also being pursued in areas affected by forced displacement; across all of the regions concerned, nearly 30,000 vulnerable households (refugees, IDPs and hosts) have received support from partners to switch from wood to gas.

Waste management systems remain generally underdeveloped with insufficient triage systems, uncontrolled dumps and limited processing or recycling systems. There are nonetheless a number of executive orders applicable to the issue: Order No 97-01 of 10 January 1997 establishing environmental impact studies; Law No 2014-63 of 5 November 2014 banning the production, import, sale, use and storage of bags and packaging made of low-density flexible plastic, and Decree No 2015-321/PRN/MESU/DD of 25 June 2015 determining the modalities of application of Law No 2014-63 of 5 November 2014 banning the production, import, sale, use and storage of bags and packaging made of low-density flexible plastic.

The water sector is quite decentralized as provided in the November 2016 [Sectoral Water, Hygiene and Sanitation Plan](#) and is hence regulated differently throughout the country. The Ministry of Hydraulics and Sanitation supports local authorities in developing and managing public water services. Consultation frameworks are in place for water users, including refugees. Through this Plan, a participation approach to sanitation is promoted at community level to raise awareness of harmful sanitation practices and to decide collectively on the most adequate hygiene standards. This approach is also being advocated in all refugee-hosting regions. However, emergency community latrines, provided by UNHCR partners, are rapidly deteriorating and are being abandoned by the population.

1.4 Preparedness for refugee inflows

Niger does not have a national preparedness framework specific to refugees or displaced populations more generally. Risk and crisis prevention structures do exist within the Department of Risk and Disaster Prevention at the Civil Protection Department (Ministry of Interior) with a focus on floods and fires, and within the National Food Crisis Prevention and Management System (DNP-GCA) of the Prime Minister's Office with a focus on food, nutrition and pastoral crises and coordinating early recovery. The Ministry of Humanitarian Action and Disaster Management is responsible for developing, monitoring and evaluating humanitarian policy and disaster management to anticipate the occurrence of disasters, including refugee inflows, and for coordinating national responses by drawing up contingency and action plans and preparing programmes and budgets, including the mobilization of partners and resources.

The Nigerien authorities are involved in and supportive of the development process for refugee contingency plans led by UNHCR, including [the Regional Refugee Response Plan](#) (RRRP) for Nigerian refugees with a specific chapter for Niger which is fully aligned with the Government's out-of-camp and, in addition to emergency needs, provides for interventions in the areas of civil registration, livelihood, comprehensive solutions and education.

2 Regulatory Environment and Governance

2.1 Normative framework

The commitments of Niger under international law on refugee issues are explicitly incorporated and codified into national legislation and regulations. Niger is party (without reservations) to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Niger enacted [Law No 97-016](#) establishing the Status of Refugees on 20 June 1997 (the Refugee Law) and passed an implementing Decree ([No 98-382/PRN/MI/AT](#)) on 24 December 1998. The law guarantees refugees access to property ownership, security, courts, basic services and freedom of expression and movement without discrimination. Niger is also party to the 1989 Convention on the Rights of the Child and a signatory to ILO Convention No 182 on the Worst Forms of Child Labour (1999).

The National Eligibility Commission (CNE) is a collegial body responsible for Refugee Status Determination (RSD) that was established under Article 5 of the 1997 Refugee Law and is composed of 17 representatives from the various Ministries, as well as civil society representatives. UNHCR is a member of the Commission with an observer and advisory role. The functions of CNE were defined in Order 208/MI/AT/SP/CNE of 14 July 2000, while the Order of March 2006 further granted CNE the mandate for refugee registration and first-instance adjudication of refugee status.

Under [Order No 142/MI/SP/D/AR/DEC-R](#), all asylum-seekers fleeing the armed conflict in northern Mali are recognized as refugees prima facie. They are registered by the Government through a UNHCR-assisted process. Nigerian refugees hosted in the Maradi region since May 2019, as well as those in the Diffa region who fled the Boko Haram insurgency from 2013 onwards, are also recognized as refugees prima facie under the new [Order No 00571/MISP/D/ACR/SG/DGECM-R](#) of 9 July 2020. This supersedes Order No 806/MI/SP/D/AC/R/DEC-R of 4 December 2013, which accorded them temporary protection. All other asylum-seekers are subject to individual refugee status determination by CNE. In the event that CNE rejects an application, an appeal can be lodged with the [Comité de Recours Gracieux](#) (Informal Appeals Committee – CRG), established under [Order No 127/MI/D/DEC-R5 of March 2006](#). CRG is made up of representatives of three Ministries and one member of civil society.

UNHCR has observed a need for capacity building among staff members of CNE and CRG as regards RSD procedural standards to improve the quality of the decisions taken by these two institutions. Both CNE and CRG are entirely dependent on UNHCR financial support. Although CNE is staffed by dedicated governmental officials, it faces severe administrative and technical challenges that mainly translate into extended waiting periods in the asylum procedure and the creation of a significant backlog of cases. The Government is fully aware of these shortfalls and exhibits willingness to work towards addressing them with external support. One of its priorities is to review the legal and operational framework of the national asylum procedure, which it pledged to do at the Global Refugee Forum.

Most Government policies are available online and can also be found upon request at the relevant governmental entities. UNHCR, often in cooperation with the Government, disseminates all relevant policy information to refugees and asylum-seekers through information and sensitization campaigns, individual counselling and refugee community leaders in a bid to increase awareness and understanding.

2.2 Security of legal status

There is no restriction on the legal stay of documented refugees and asylum-seekers. Asylum-seekers are issued a renewable attestation by the Government confirming their status, valid for three months, as well as proof of registration including their personal information and a picture. Refugees receive a renewable attestation from the Government confirming their status, valid for one year, and every refugee aged 13 and over is to be issued with a refugee ID card that is valid for three years. These various documents can be renewed fairly quickly and easily. There have been reports of some delays in renewal associated with temporary unavailability of the machines producing the documents.

The right to non-refoulement in Niger is enshrined in Article 6 of the Refugee Law. Under Article 7 of the Refugee Law, CNE can give its opinion on the potential expulsion of a refugee further to a decision taken by a panel of governmental, parliamentary and civil society representatives as per Article 5. A UNHCR representative also assists in this decision and has the right to be heard. There have not been any reported cases of unlawful termination of refugee status or refoulement for the last year, as at 30 June 2020.

Closure of borders due to COVID-19 has had little to no impact in terms of access to the territory by refugees or asylum-seekers, who are still able to arrive and leave by established migration routes.

2.3 Institutional framework for refugee management and coordination

Made difficult by the multiplicity of actors and the operational complexities in a country where there are several overlapping conflicts, emergencies and hazards, the effectiveness of the coordination structures is further hampered by the security context, which hinders humanitarian intervention.

Overall management of refugees is the responsibility of the Ministry of Interior. Given the multi-sectoral nature of the out-of-camp strategy, UNHCR works with other Ministries including Humanitarian Affairs and Disaster Management, Urban Planning, Justice, Education, Health, Hydraulics, Planning, etc. However, the division of responsibilities between the Ministry of the Interior and the Ministry of Humanitarian Action, which is in charge of the management of IDPs, has resulted in some operational coordination and strategic challenges in mixed and secondary movement situations, notably in Diffa, Tillabery and Tahoua. On a day-to-day basis, the governmental action that includes refugee affairs, is broadly coordinated by the Prime Minister, Head of the Government.

Order No 0699/MI/SP/D/ACR of 21 November 2016 on the organization of the services of the Ministry of Interior assigns the coordination of external partners and CNE activities to the Director-General of Civil Status Migration and Refugees (DRECRM). DRECRM faces operational constraints due to limited staffing capacity.

At the sub-national level, the Regional Directorates of Civil Status, Migration and Refugees oversee response coordination in support of the Governors through coordination committees, adjusting their duties and functions according to the specificities of each region, including the roles played by local authorities in response to refugee inflows the existence of sectoral coordination mechanisms prior to the arrival of refugees and the mixed nature of the displacement situation. In Niamey, the multisectoral working group for refugees led by UNHCR fulfils this role in conjunction with other working groups.

In addition to these coordination mechanisms, there are Regional Committees for the management of displaced persons which are placed under the leadership of the Governorates and which cover the overall response to refugees and IDPs in areas of mixed displacements. They are made up of Regional Technical Directors, Prefects, the President of the Regional Council and humanitarian actors. These committees meet monthly under the leadership of the Governors and with two co-leads: the Regional Directorate of Civil Status/Migration and Refugees, and the Representative of the Ministry of Humanitarian Action. These committees are supported by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR.

Since September 2017, a government-led decentralization process has resulted in increased responsibility and autonomy for Regional Councils and municipalities in four key sectors: education, health, environment and water/sanitation. Regional sectoral working groups are led by the concerned regional technical directorates with the support of humanitarian actors.

The Government largely relies on UNHCR refugee data for its data collection and management process, having notably access to UNHCR electronic registration system for asylum-seekers. Overall refugee data is not part of the national database; however, refugees are increasingly becoming part of Government surveys conducted in Niger. In 2018, refugees were included in the national poverty exercise led by the Government's National Institute of Statistics and the World Bank. The resulting data, which is still being processed for publication, offers a rich comparative analysis of refugees and their hosts. Refugee data is also taken into account through the national health information system (Système National d'information Sanitaire – SNIS), which aligns with the Health Ministry's national policy on health information management and provides reliable quality information to decision-makers, health officials and partners. Refugee populations are also fully integrated into the Government's COVID-19 pandemic response plan.

At the various levels of governance, there is no formal process through which refugees are consulted regarding decisions that affect them. While there are refugee committees in Niger, including in Niamey, their mandate is limited to assuring the quality of services towards refugees rather than following up on decision-making processes. Such consultations instead take place through informal interactions with the chiefs of villages and townships and through the same channels of communication used between Niger nationals and the local authorities.

Focus group and individual discussions regularly take place under the purview of UNHCR, the Government and partners with members of the refugee community on a variety of issues, including the impacts of specific interventions or programmes or the implementation of a new policy, with the aim of collecting the

feedback of a fair representation of the refugees taking into account age, gender, diversity and special needs. Such feedback is passed on to departmental and regional authorities to inform the design and implementation of future programmes and activities.

2.4 Access to civil registration and documentation

Article 10 of Decree 98-382/PRN/MI/AT provides refugees with the right to documentation, notably in the form of a refugee identity card and a travel document (*titre de voyage*).

The individual refugee ID card allows beneficiaries to enjoy freedom of movement and to access various facilities and services such as school enrolment, access to health services, subscriptions to mobile phone SIM cards, bank accounts, financial transactions, etc. These refugee ID cards are produced by UNHCR but formally issued to refugees by the Government, which registers the issuance in its own database.

Refugee households are also issued with a refugee attestation, which lists all members of a refugee household and includes their photographs and biographical data. These are issued jointly by the Government and UNHCR. There is no difference between a refugee attestation and a refugee ID card in terms of access to services.

Asylum-seekers are issued by the Government with an attestation confirming their legal status and bearing a governmental stamp, as well as a proof of registration document that lists each family member individually with a photograph and personal data. While both of these documents are issued by the Government, only the attestation can be used to access basic services.

Documentation issued for vital events in Niger is governed by [Law 2019-29](#) of 1 July 2019 on civil status in Niger and Law 2007-30 of 3 December establishing the civil registry. The civil registration process is overseen by the Ministry of Interior, Public Security, Decentralization, Migration and Religious and Customary Affairs and the Directorate General of Civil Status and Refugees (DGEC-MR). It is, however, a decentralized process with primary, secondary and declaration centres based on the size of the population in the area concerned (Article 11 of [Law 2019-29](#)). Secondary centres are most common in tribal and rural areas. Refugees and asylum-seekers in Niger are governed by these laws as regards vital events affecting them and have equal access to the civil registration centres on a par with nationals.

Article 30 of [Law 2019-29](#) creates a legal obligation for adults to register births, deaths and marriages. There is no fee for such registrations. In the government-established civil registration centres and in the secondary centres of groups of villages or tribes, any declaration must be made within 60 days of the event (Article 37 of [Law 2019-29](#)). Births and deaths occurring in health facilities must be declared immediately or at the latest within 10 days (Article 42 of Law 2007-30). However, the timely issuance of birth certificates in rural areas and to a lesser extent in urban settings is hampered, inter alia, by home births, delayed declarations and tardiness in transcribing the records into the civil registers. A 2015 research study revealed that up to 82 per cent of the entire population in the Diffa region, including the

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