

REPUBLIC OF NIGER

As of 30 June 2023, Niger hosts 302,137 refugees and asylum-seekers, marking a 32 per cent increase since 30 June 2020. This rise is primarily due to people continuing fleeing insecurity and violence in neighboring countries, primarily Nigeria, Mali and Burkina Faso.

Niger hosts 199,811 Nigerian refugees and 66,889 Malian refugees. Additionally, Niger hosts 28,759 asylum-seekers from Burkina Faso. Since June 2020, there has been an increase in refugees of 11.5 per cent, while the number of asylum-seekers has increased an unprecedented 1,201 per cent during the same period (3,870 in June 2020 and 50,377 in June 2023). Additionally, the number of internally displaced persons (IDPs) has grown from 265,522 in July 2020 to 358,185 in June 2023, marking a 35 per cent increase. This increase is primarily due to IDPs fleeing violence in border areas and the impact of climate-related events.

KEY POPULATION DATA (as of 30 June 2023)

251,760

Refugees

50,377

Asylum-seekers

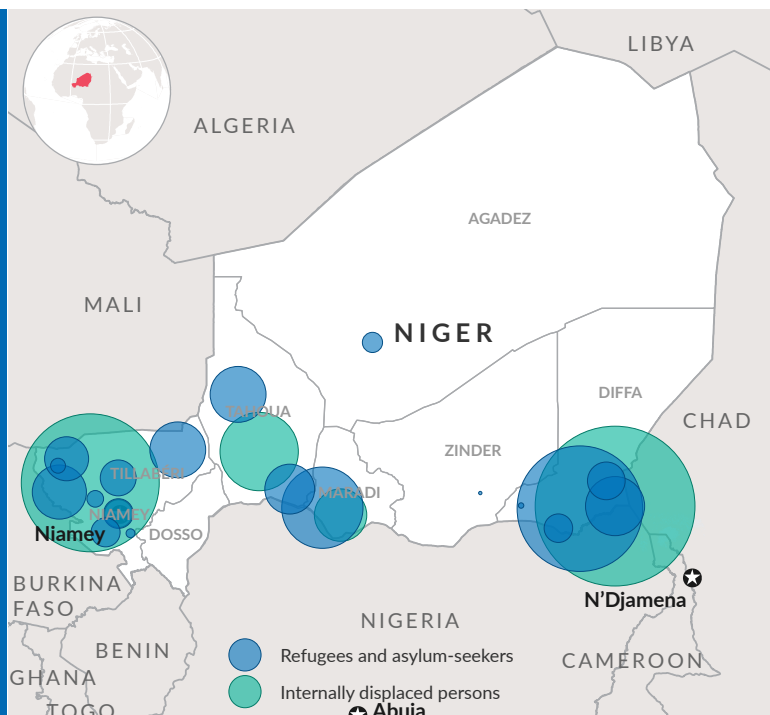
1.2 %

of Niger's total population (approximately 27,200,000 in 2023) are refugees and asylum-seekers

335,277

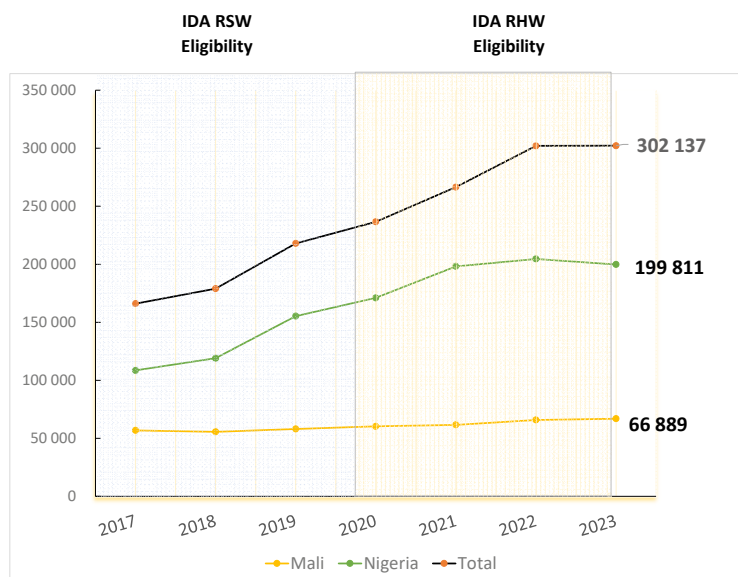
Internally Displaced Persons (IDPs)

IDA 18 RSW/IDA 19 WHR
Eligibility: September 2017



Refugees fleeing Mali and Burkina Faso are mostly located in the Tillaberi and North Tahoua regions. Those fleeing the situation in Northwest Nigeria have settled mainly in the South Tahoua and Maradi regions. Refugees who fled security incidents in the Lake Chad Basin are predominantly located in the Diffa region. Asylum-seekers and refugees are also present in urban areas, such as Agadez and Niamey. As for individuals benefiting from the Emergency Transfer Mechanism (ETM) from Libya, they reside in Hamdallaye near Niamey.

The Government of Niger has continued to admit people in need of international protection on its territory, providing refuge to populations fleeing conflict and violence. Most refugees currently live outside camps in rural or peri-urban settings since the closure of the Malian camps in 2014/15 and are locally integrated into host communities. Only one refugee camp remains in Sayaam Forage (Diffa region) hosting vulnerable households owing to a specific context.



RPRF Policy Dimensions

(as of 30 June 2023)

1. Host Communities

1.1 Support for communities in refugee-hosting areas

On 18 June 2022, the Government of Niger approved its *Plan de Développement Économique et Social* (PDES) for 2022-2026, which constitutes the second five-year implementation of Niger's Sustainable Development and Inclusive Growth Strategy 2035. This Plan is structured around three strategic axes: (a) the development of human capital, inclusion and solidarity; (b) the consolidation of governance, peace and solidarity; and (c) the structural transformation of the economy. The Plan incorporated actions to strengthen migration management through three key axes: (i) tapping into opportunities linked to migration, (ii) protection and assistance to migrants, refugees, and host communities, and (iii) management of migratory flows. However, the focus is more on strengthening the management of migrants.

The Government of Niger has continuously supported vulnerable households across the country, many of which are in refugee-hosting areas. Owing to its inclusive policy toward refugees, Niger has been supporting the targeting of vulnerable households across the main population groups (refugees and asylum-seekers, IDPs and hosts).

Furthermore, in October 2021, the Government approved the Food Crisis Prevention and Management Strategy 2021-2025, along with its action plan and institutional reform roadmap. This strategy serves as the primary planning and programming tool to assist vulnerable populations in Niger who are affected by food shortages, pastoral challenges and other disasters.

The National Food Crisis Prevention and Management System recognizes that each economic crisis increases Niger's population's structural vulnerability. This leads to a loss of assets and decreased household productivity and purchasing power. The most affected are the poorest, especially those in refugee hosting areas. The aim is to reduce vulnerability and enhance resilience to avoid hindering development. This system aligns with the Government's "Nigériens Nourish Nigériens" initiative, assisting around 3 million nationals in 2022, with substantial support from WFP.

Over the past five years (2018-2023), the Government's PARCA (*Projet d'Appui aux Réfugiés et aux Communautés d'Accueil*) project, funded by the World Bank, supported host communities and refugees. As of 29 May 2023, the latest Implementation Support Report (ISR #11) revealed that the project has disbursed 90.6 per cent of its grant budget and 81 per cent of its credit budget, benefiting a total of 1.12 million individuals. Among the 868,559 targeted persons who gained access to basic services through 312 community infrastructures, 217,892 were refugees (including 290,977 women and 195,794 youth). Additionally, 72,698 beneficiaries, including 25,706 refugees, accessed income-generating activities through USD200 cash transfers and training. So far, three out of four Project Development Objective indicators and nine out of 14 Intermediate Results Indicators have been achieved. Despite it being a successful project under the IDA refugee sub-window, the World Bank has not renewed the PARCA project. While the project reached the beneficiaries it targeted, only a limited portion of the refugee population and of the hosting areas were impacted by their presence.

1.2 Social cohesion

The strong cultural tradition of host communities welcoming visitors including refugees, migrant pastoralists and others has continued to foster social cohesion in Niger. The customary governance mechanisms, led by local elders and representatives of the main communities, continue to be effective in preventing or resolving most tensions. This governance structure has demonstrated resilience and effectiveness, even when local populations face challenges such as conflicts between farmers and pastoralists, climate-related events and

insecurity associated with non-state armed groups. Despite the growing pressure on host communities due to increasing population movements, including refugees and IDPs, these communities have displayed a remarkable ability to navigate these challenges and maintain social cohesion. However, the sustainability of this situation remains uncertain, especially considering tensions between pastoralists and farmers, some of whom are perceived as supporting non-state armed groups.

Since 2020, social cohesion has been further supported by various development projects funded by donors and implemented in areas hosting refugees. During the reporting period, the High Authority for the Consolidation of Peace (HACP) has continued to promote peace and dialogue among various community groups in Niger. These efforts have been relayed through multiple regional entities and focused on conflict prevention, resolution, and the advancement of peace and national unity. Similarly, the Peacebuilding Fund (PBF) engaged youth and women in conflict prevention and peaceful resolution mechanisms in Diffa. Yet, despite these initiatives, the HACP has implemented few social cohesion projects in regions hosting refugees, internally displaced persons (IDPs) and host communities.

While all actions are not always stated in official policy, the Government of Niger has continued to actively address tensions and closely monitor developments to support populations fleeing violence and to offer avenues for safe returns. In Ayorou (Tillabéri region), where violence and subsequent fears of attacks have continued to cause forced displacements in 2023, the Government responded swiftly. They dispatched a ministerial delegation and troops to stabilize the area, provided mediation between groups and supported the safe return of forcibly displaced to villages of origin. In May 2023, a ministerial delegation, including the Minister of Interior, the Minister for Humanitarian Action and the President of the High Authority for Peace-consolidation, visited Ayorou to assess the humanitarian situation and discuss conditions for returning displaced persons. This proactive approach demonstrates the Government's commitment to swiftly address population movements and tensions, providing a security umbrella to mediate between groups and prevent further destabilization in fragile areas.

Similarly, the January 2023 peace agreement in Banibangou (Tillabéri) provides an example of resolution of a long-standing conflict between communities over natural resources. It involves community and religious leaders, women's and youth representatives, self-defense groups and the Banibangou Peace Committee. The agreement calls for an end to livestock abductions, the return of lost or wandering animals to their owners, and recognition of the rights, customs and traditions of each community. Despite such an agreement, high demographic growth, dwindling natural resources and grazing areas, climate-induced events and widespread poverty stress the social construct and increase the risk that communities may not find agreements to mend tensions and to maintain peaceful coexistence. The Government is cognizant of this trend and seeks development support to provide education, alternative livelihoods, and more services to its populations.

1.3 Environmental management

During the prescribed period, there has not been significant changes in the national legal framework on environmental management. Niger continued to place importance on environmental protection included in several strategic plans and policies. This includes the adoption of the Strategy and National Plan for Adaptation to Climate Change in the Agricultural Sector (2020-2035) that, without mentioning refugees, indirectly addresses hosting areas of displaced.

Niger continued to be highly focused on adapting to climate change in agriculture, the sector responsible for 89 per cent of the country's greenhouse gas emissions and the primary livelihood for a vulnerable population of small-scale family producers. The country's Nationally Determined Contribution (NDC), based on the 2015-2029 Strategic Framework for Sustainable Land Management, outlines the expansion of sustainable land management practices across all regions.

Niger is also signatory to the Paris Agreement and aims to cut emissions 3.5 per cent by 2030 as outlined in its NDC. The country is party to key environmental agreements, including the United Nations Framework

Convention on Climate Change (UNFCCC), Convention on Biological Diversity and Convention to Combat Desertification. Niger actively participates in initiatives like SDG 15.3, the Bonn Challenge, Great Green Wall for the Sahara and Sahel Initiative, and the African Land Restoration Initiative, targeting one million hectares of land restoration by 2030. The Climate Investment Plan for the Sahel Region (ICP-SR 2018-2030), led by Niger, aligns with its strategy.

As part of the 2019 Global Refugee Forum (GRF) pledge to provide access to land, the Government supported the building of eco-friendly houses in favor of refugees, IDPs and host communities with support from GIZ (German Cooperation), the EU and UNHCR. To date, a total of 3,083 houses have been built for refugees using Interlocking Stabilized Soil Bricks (ISSB) technology in the Tillaberi, Diffa and Maradi regions out of a total of nearly 7,000 houses built across these regions for refugees, IDPs and host communities. The ISSB Hydraform houses provide ecological shelters that meet the needs of adequate housing and are a tailored solution to climate shocks, including floods and violent winds. As mentioned, 3,083 such houses have been built for refugees and 1,385 additional houses in traditional *banco* (clay) also specifically for refugees.

1.4 Preparedness for refugee inflows

Niger still does not have a national preparedness framework specific to refugees or displaced populations more generally considering that refugee and asylum seeker inflows are on-going at a relatively mild yet continuous pace.

Government risk and crisis prevention entities continue to operate under the Department of Risk and Disaster Prevention within the Ministry of Interior, with a specific focus on flood and fire management. Additionally, the National Food Crisis Prevention and Management System (DNP-GCA) under the Prime Minister's Office continues to handle food nutrition, pastoral crises, and early recovery coordination. Furthermore, the Ministry of Humanitarian Action and Disaster Management remains in the lead for humanitarian policy and disaster management, including refugee inflows and coordination of the national response.

2. Regulatory Environment and Governance

2.1 Normative framework

Over the past three years, the national refugee legal framework has remained unchanged. The [Law No 97-016](#) establishing the Status of Refugee on 20 June 1997 and its implementing [Decree No 98-382/PRN/MI/AT of 24 December 1998](#) continue to guarantee the rights of refugees and asylum-seekers and governing the institutional arrangement for the national asylum procedure.

The application of the above national refugee framework has continued to remain largely consistent with international refugee protection standards providing essential protection for refugees and asylum-seekers and supporting their socio-economic inclusion into national systems.

The Nigerien authorities, particularly the *Direction Générale de l'État Civil, de la Migration et des Réfugiés* (DGECEMR) of the Ministry of Interior (Mol) and its regional Directorates, as well as State departments from other sector Ministries, and refugees have continued to keep abreast of the applicable legislation governing the rights of refugees and asylum-seekers in Niger.

In accordance with Article 5 of the [1997 Refugee Law](#), further complemented by [Order No. 208/MI/AT/SP/CN dated 14 July 2000](#), and [Order No. 127/MI/D/DEC-R5 of 28 March 2006](#), the National Eligibility Commission (CNE) continues to be responsible for conducting the registration and first-instance asylum case processing for asylum-seekers whose asylum applications are subject to an individualized refugee status determination (RSD) procedure.

Over the past three years, asylum-seekers fleeing the armed conflict in Northern Mali have continued to be recognized as refugees through a *prima facie* approach, following [Law No. 142/MI/SPP/D/AR/DEC-R of 16 March 2012](#). Similarly, Nigerian asylum-seekers fleeing widespread insecurity in some federated states of northern Nigeria (Borno, Yobe, Adamawa, Sokoto, Katsina and Zamfara) have continued to benefit from the PF approach line with [Order No. 00571/MISP/D/ACR/SG/DGECM-R](#) dated 9 July 2020. For these refugee groups, UNHCR has continued to assist the Government with registration and issuance of household documentation. Discussions are on-going with the Minister of Interior to grant refugee status through a PF approach to those fleeing Burkina Faso. All other asylum-seekers have been subject to an individualized asylum procedure through the CNE. If asylum applicants receive a negative decision, the [Gracious Appeal Committee \(GRC\)](#) continues to adjudicate the cases of those who appeal the CNE's decisions. The composition of both the CNE and the GRC has remained unchanged, with UNHCR as the observer.

Gaps in the national asylum procedure persisted, resulting in significant waiting periods for asylum-seekers to receive the notification of their first-instance decisions, leading to substantial backlogs. The relatively slow pace of case processing and the limited number of sessions of the two decision-making bodies, at first instance and appeal, resulted in delays in the individualized national asylum procedure. From 2019 to the beginning of 2021, there has been a sharp decline in new asylum-seeker registrations, largely due to the limited new registrations in Agadez. Apart from a spike in 2021 in Agadez, new asylum registration declined again from July 2022 until mid-2023. Despite these trends, the asylum case processing backlog has continued to increase with only 224 first-instance decisions made in 2021 and 252 in 2022, along with 112 appeal decisions in the latter year.

Eligibility officers from CNE have received capacity-building sessions, but additional training is needed to improve the skills of both eligibility staff and CNE/CRG members, encompassing RSD interview techniques, RSD assessments and alternative case processing to reduce asylum backlogs. Further quality control measures are essential to ensure consistency in the asylum system's quality. Moreover, the CNE and CRG's reliance on UNHCR's budget continue to raise sustainability concerns. To improve identification and access to the asylum system, information sessions on asylum-seeker identification and referral mechanisms were provided to NGO partners and government agents (police, border guards and military).

In line with the [GRF commitment made in December 2019](#) to enhance the effectiveness of the national asylum procedure, the Government has initiated a reform of the national asylum system. A draft law and decree, developed by the Government and reviewed by a technical committee with inputs from UNHCR, France, Belgium and the EU Asylum Agency, are expected to be enacted before the December 2023 GRF. Key aspects of this legal reform should also prioritize improving asylum case processing to enhance the efficiency, fairness, adaptability and integrity of the national asylum procedures.

In addition to various international human rights and refugee treaties, Niger is a party to the ECOWAS (Economic Community of West African States) Treaty and Protocols, guaranteeing freedom of movement for ECOWAS nationals, which is very relevant given that most refugees in Niger are citizens of the Community. Niger has also ratified the Kampala Convention and incorporated its standards into [Law 2018-74](#) in December 2018.

2.2 Security of legal status

Refugees and asylum-seekers have continued to benefit from predictable legal stay arrangements based on the documentation issued by the Government equalling an authorization to remain on the territory. Those entitled to individual documentation, but who have not yet been issued individual documentation (asylum-seeker attestation or refugee ID card) by the CNE, have remained on Nigerien territory using the proof of registration (household document) issued by UNHCR with photography and biographical data of all members of the household.

Protection against refoulement for asylum-seekers and refugees continued to be enshrined in Article 6 of

the [1997 Refugee Law](#). A similar standard is also included in the draft legislation under discussion.

Over the past three years, there have not been any reported cases of unlawful termination of refugee status in Niger.

Successful policy dialogue has secured access to the territory and asylum procedures for individuals expelled from Algeria to Niger. However, since 2022, there have been instances of the Nigerien government forcibly returning non-African individuals to Algeria, potentially conflicting with the principle of non-refoulement.

2.3 Institutional framework for refugee management and coordination

Under the [1997 Refugee Law](#) and the Order No. 0699/MI/S/D/ACR on 21 November 2016, the institutional responsibility for the management, protection and assistance of the refugee population in Niger remains with the Ministry of Interior and its Directorate for Civil Registration, Migration and Refugees (DGECMR). The latter is represented in each region through its *Direction Régionale de l'État Civil, des migrations et des réfugiés* reporting to the governors of the refugee hosting areas. The DGECMR hosts the *Commission Nationale d'Éligibilité* (CNE) in charge of the implementation of the individual asylum procedure. While DGECMR is assigned with the coordination of external partners and the CNE, it has continued to face challenges due to limited staff capacity.

In practice, the CNE is responsible for implementing the management, protection and assistance of the refugee population in Niger at the central level. Through the *Direction Régionale de l'État Civil, des Migrations et des Réfugiés*, the staff of the CNE continues to manage the refugee populations at the regional level, overseeing registration, documentation activities, and coordinating protection and humanitarian assistance, especially for those with *prima facie* refugee status, such as Malians and Nigerians.

In recognition of the important role of the local authorities, the Government has continued to maintain the *Comités Régionaux de Coordination* for the specific purposes of coordinating assistance to refugees in several regions hosting IDPs and refugees. These committees continued to be composed of regional technical directors, prefects, president of regional councils and humanitarian actors, including from UN entities. They met regularly under the leadership of the Governors with two co-chairs from the Regional Directorate of Civil Status, Migration and Refugees, and the Representative from the Ministry of Humanitarian Action. Regional Coordination Committees for displaced persons continued to be supported by the Office for the Coordination of Humanitarian Affairs (OCHA).

Over the past three years, the Government's institutional framework for refugee management and coordination has continued to face challenges. These primarily stemmed from the involvement of multiple state and subnational actors, limited capacity and resources, and the operational complexity in Niger, which includes addressing emergencies, security issues and climate-related hazards. This complexity has impeded effective state-led coordination. At the central level, the involvement of sectoral ministries has predominantly remained under the purview of the Ministry of Interior for refugees and the Ministry of Humanitarian Action for IDPs. While the government-led decentralization process has made progress, granting more autonomy to Regional Councils and municipalities, particularly in areas such as education, environment, health and water and sanitation, representatives from various ministries have continued to be involved in managing and coordinating refugees and other displaced populations in their respective sub national areas where refugees are living. On a positive note, regional sector working groups are now overseen by their respective regional technical directorates with the support of humanitarian actors.

Refugee consultations in Niger continue to be limited with few mechanisms available to collect refugee inputs and feedback on decisions made by government authorities. Refugee committees with elected representatives still exist, but their primary role is to assess the quality of services provided to refugees in their area of living. Refugees are not involved in formal state decision-making processes related to their situation, except through informal interactions with local authorities in their areas of residence.

In parallel, refugees are gradually more included in government-led surveys, including data collection initiatives carried out by the National Institute of Statistics, however, without a specific breakdown of their legal status. Data on refugees and asylum-seekers are being collected as part of the National Health Information System (NHIS) and have been fully incorporated into the COVID government response plan. The situation of refugee and asylum-seeker students is also being increasingly integrated into the National Education Information Management System.

2.4 Access to civil registration and documentation

In line with Article 10 of the [1998 Refugee Decree](#), refugees of 14 years and above continue to be provided with a refugee card valid for three years issued by the Ministry of Interior through the CNE. This is still conducted thanks to the material and technical support of UNHCR.

Refugees continue to access national public and private services, such as SIM cards and financial services as well as the national employment agency (*Agence Nationale pour la Promotion de l'Emploi*, ANPE), by presenting the government-issued individual ID card. Therefore, refugees who have not yet been issued the refugee identity cards face issues to access such services. Key to note is that for nationals, the national Identity cards are issued by the police and are valid for a five-year period.

Asylum-seekers continued to be issued with a temporary attestation by the CNE confirming their legal status while awaiting a decision on their application. The document has a limited validity of three months and is renewable. The attestation only contains information on the principal applicants while the family members are recorded in the file at the CNE.

Refugees also continue to be issued with an official refugee certificate which is, in principle, issued at the same time as the refugee identity card. The certificate lists all members of the household with photographs and biographical data. The certificate is valid for one year renewable and is issued jointly by the CNE and UNHCR.

The presentation of the refugee certificate and refugee identity card enables refugees to access national public services. Recognized refugees can use their refugee certificate for accessing most services but, for other national public and private services, they need to present their refugee identity cards issued by CNE. This is the case to open a bank account, enrol undertake some formalities with the ANPE and *Services d'Équivalence des Diplômes*. The Asylum-seeker attestation allows access to some national services only.

Over the past three years, there has been a significant increase of refugees issued with individual refugee identity cards by CNE. In 2020, 117,775 refugees of 14 and above were issued with a refugee ID cards while, for the first half of 2023, 131,347 refugees received ID cards. In mid-2023 and cumulative for the three years, 56 per cent of refugees eligible for ID cards have been issued with such an individual document. There remains an important gap to ensure that each refugee of 14 years and above receives the Government individual documentation.

Those who have not yet received the refugee identity card continue to use the official refugee certificate issued at household level, which serves by default as proving their refugee status and identity in Niger. As of June 2023, all registered refugee households have received such a refugee certificate.

Additionally, considering the significant increase of asylum-seekers since June 2020, up to 50,377, there have been delays in the issuance of asylum-seekers attestations compounded by operational, security and accessibility limitations. They have however received a proof of registration at household level used mainly for humanitarian assistance.

In June 2022, the CNE, with UNHCR support, began a physical individual verification exercise of the asylum-seeker and refugee population, including the biometric registration of those newly arrived. Through this

process, refugee certificates are to be issued or renewed using the refugee data management system with biometrics supported by UNHCR. Besides the multi-purpose aspect of this exercise, it also aims at informing protection and assistance strategies based on up-to-date and comprehensive data. Despite some delays as of 30 June 2023, this exercise is still ongoing in Diffa, Maradi and Tahoua regions and will be finalized in the course of 2023-24, during which Niamey and the Tillaberi region will also be added.

Refugees and asylum-seekers in Niger continue to have access to civil registration services for vital events that occurred in Niger. These services are provided by the relevant entities of the DGECMR under the [Law No 2019-29](#) of 1st July 2019 governing the regime of civil status in Niger on the same conditions as nationals. During the reviewed period, the Government introduced three series of reforms aimed at ensuring that all individuals within its jurisdiction have swift access to civil status documentation for vital events such as births, marriages and deaths occurred in Niger. These legal reforms resulted in a higher number of civil registration centres for all populations in Niger, in line with the commitments made under the African Program for Accelerated Civil Registration and Vital Statistics Production.

Despite the lack of specific data available to UNHCR on birth registration and certification for refugees and asylum-seekers, there has been a significant increase in the issuance of birth certificates to refugees and asylum-seekers born in Niger, with a focus on new-borns under one. However, challenges persist among refugee populations, including limited awareness on the importance of obtaining a birth certificate, notably to mitigate risks of statelessness arising from prolonged refugee situations. This is particularly the case for late birth registration, which requires a much lengthier procedure and is not easily accessible.

Under the refugee legislation, recognized refugees are also entitled to a Convention Travel Documents (CTDs) upon request for the purpose of travelling outside of the country. CTDs are issued by the Directorate of Territorial Surveillance (*Direction de la Surveillance du Territoire*) under the Ministry of Interior but are not machine readable, thus no compliant with ICAO requirements. Steps are being taken with UNHCR's support. CTDs are not machine-readable and thus no compliant with International Civil Aviation Organization (ICAO) standards.

2.5 Justice and security

In line with the refugee legislation, the Government of Niger continues to allow access to justice and security services for refugees and asylum-seekers on par with nationals. However, the full enjoyment of these security services for both the host community and refugees continues to be impeded by security challenges, a lack of capacity, institutional infrastructure, and poverty.

While there are no systematic or systemic human right violations noted, the volatile security situation in Niger's neighboring countries requires the Government of Niger to strike a difficult balance between national security interests and commitments to protect all civilians, including refugees. Since the attack perpetrated by a non-state armed group on May 30, 2020, in the refugee hosting area of Intikane, there has not been any similar armed attack targeting refugee hosting areas over the past three years. Additionally, when Niger authorities conducted raids in locations suspected of harboring members of armed groups, some asylum-seekers or refugees happened to have been rounded up as well. In such cases, the CNE, with the support of UNHCR, intervened with the relevant authorities, leading, in most cases, to the release of the individuals involved.

Niger's Code of Criminal Procedure continues to provide for the right to defense, with the judge assigning ex officio a lawyer to refugees on par with nationals. Additionally, the National Agency for Legal and Judicial Assistance (ANAJJ) under [Law No. 2011-42](#) continues to oversee the legal and judiciary assistance for beneficiaries as per the rules established in the same law.

As of 31 December 2022, detention monitoring reported 184 refugees and asylum-seekers (including 8 children) held in 10 detention centers, mainly on criminal charges rather than administrative issues related to

irregular entry or presence in the country. These detentions are primarily related to crimes such as theft, sexual assault on minors, fraud, drug trafficking or possession, forgery, and counterfeiting, as well as complicity with non-state armed groups. Most detainees are in the Diffa region (148 individuals), while the remaining ones are in Niamey Tillabéri, Agadez, Tahoua and Maradi. Data on nationals detained for similar criminal issues in refugee hosting areas is not available.

Despite the above legal and institutional framework, significant gaps persist in the effective provision of legal assistance for all beneficiaries, including nationals, refugees, and asylum-seekers. A particular challenge is the low budgetary allocations by the State and the required cumbersome procedures to obtain the certificate necessary for the appointment of a court-assigned lawyer by ANAJJ. These shortcomings were underlined and discussed during the various meetings with the relevant State actors of this sector (ANAJJ, Bar of Niger, Directorate of Human Rights, Directorate of Juvenile Judicial Protection, Directorate of Prison Administration, National Commission of the Fathers of the Ombudsman, Presidents of Courts including the Senior Court of First Instance of Niamey, UNDP, ICRC etc.). In the absence of civil society organizations able to provide refugees and asylum seekers with such assistance, particularly in criminal proceedings, UNHCR was able to formalize an agreement with a law firm in May 2023 to provide quality legal assistance in criminal proceedings.

Refugees and asylum-seekers have remained more affected by gender-based-violence (GBV) than the average population, due to insufficient male and/or community support. In 2023, 656 cases of early marriage, 308 cases of denial of resources and opportunities, 297 cases of psychological violence and 196 cases of physical assault were registered.

Although the Government aims to end child marriage in the country, through a 2024-2028 strategic plan initiated by the child protection directorate of the Ministry of Public health, the number of early marriage cases has continued to grow because there is no repression. The Plan was developed with the aim of filling the gaps in the implementation of the first plan by strengthening the community approach to child protection, the empowerment of adolescent girls and the involvement of religious leaders.

In June 2023, the [Law No 2023-25](#), on female genital mutilation (FGM) was enacted. This new law stipulates that those who carry out FGM provides for the imprisonment of six months to three years and a fine of 20.000 to 200.000 Francs CFA (USD 35 to 350). It further foresees the imprisonment of the perpetrator and any accomplice of ten to twenty years if the FGM results in the death of the person subjected to FGM. Despite this law, FGM continues to be widely considered by Nigeriens as a private matter and is not being reported. The same applies to domestic violence. The biggest challenge in Niger context remains the sociocultural barriers which make women dependent on their husband and stigmatized in their society.

GBV survivors nevertheless continue to have access to Government led services when available in the hosting area. In the locations where these services are not available to GBV survivors, they are provided by UNHCR and its partners. Once the GBV survivors give their consent, the CNE continues to handle referrals made by UNHCR GBV partners to the relevant judiciary. However, the reporting rate of GBV incidents remains low despite sensitization sessions and awareness raising campaigns regularly being organized.

3. Economic Opportunities

3.1 Freedom of movement

In line with Article 10 of the [1997 Refugee Law](#), refugees and registered asylum-seekers continue to be allowed to move freely in Niger and to choose their place of residence in the same way as nationals. The Government of Niger has continuously promoted an out-of-camp policy with most refugees living alongside host communities. There is only one camp in Sayam Forage. Refugees who are hosted in this camp remain there for security reasons following several previous attacks by non-state armed group. They are nevertheless free to move and to opt to live outside this camp.

Despite the above, refugees continue to face the same challenges as nationals (e.g., insecurity, poverty) in exercising freedom of movement in Niger. In practice, affordable transportation and availability of communication means remain scarce, especially in rural areas, where economic opportunities are limited due to limited mobility. In urban areas, higher transportation costs are often beyond the means of refugees.

3.2 Right to work and rights at work

Article 9 of the [1997 Refugee Law](#) grants refugees the right to work on par with foreign nationals who have concluded a favourable convention on the right to establishment with Niger. As most refugees in Niger are ECOWAS citizens, they enjoy the same rights as Nigeriens regarding access to the labour market, as per the ECOWAS treaties. For refugees who are not ECOWAS nationals, access to formal employment in Niger depends on whether agreements have concluded between Niger and their countries of nationality. Additionally, Article 9 of the [1997 Refugee Law](#) continues to require that all refugees obtain an authorization prior to the exercise of any professional activity in Niger. This does not apply to asylum-seekers.

Despite the above legal provision, access to formal non-public employment is, in practice, rather straightforward for refugees since it does not require a work permit or special authorization to exercise their right to work. Upon presentation of their refugee identity card, they first need to enroll at the ANPE under the Ministry of Labour to obtain a card which is issued based on their education diploma and/or qualification. This requirement also applies to nationals. Prospective employees generally require this ANPE card whose number is also used when the employment contract is signed for the employee to enroll their employees in the *Caisse Nationale de Sécurité Sociale*. The refugee legislation reform should aim at explicitly stating that refugees have the same right to work as nationals and do not require any work permit or special authorization to access formal wage-earning employment in Niger.

Once having enrolled at ANPE and been issued with Agency cards, refugees are entitled to receive the same treatment as nationals regarding access to labor rights and social security benefits. While the Labor Code prohibits nationality-based discrimination in recruitment, some practices indicate that there is room for improvement in this regard.

In practice, it is observed that there is a tendency of the private sector and other employers in Niger to continue to prefer hiring nationals rather than refugees. It is observed that these employers have limited awareness of the refugees' right to work. Additionally, work in the formal economy remains limited in Niger and most nationals work in the informal economy. This is particularly the case in refugee hosting areas in Niger. Overall, the employment situation remains a concern for both refugees and host populations in Niger.

As far as UNHCR is aware, a small number of refugees are currently in formal employment in the private and humanitarian sectors. However, there is no accurate data available on the number of refugees employed in this formal sector and no formal mechanisms to collect such data with ANPE or through the subscription by the refugees' employers to the *Caisse Nationale de Sécurité Sociale*.

Additionally, UNHCR continues to rely on the same statistics as those from June 2020. It is therefore estimated that about 50 per cent of the refugees living in urban setting are employed in informal sectors while, in rural areas, 75 percent of refugees work informally in agriculture activities and about 20 per cent are employed in other informal sectors. Only ten per cent of refugees in urban areas continue to be employed in the formal sector.

Refugees with higher levels of education also face economic hardship due to the weak formal labor market in Niger which fuels unemployment. To address this situation, most refugee and host populations receive support to cultivate high-value crops through better agriculture techniques.

Child labour remains a major concern for all populations in Niger and food insecurity continues to push many children into working at an early age despite policy measures taken by Niger.

Refugees continue to be able to open and register a business in their own name. Though there is no specific provision in the refugee legislation for this, the clause of non-discrimination continues to prevail for the refugees to exercise this right as nationals by registering their business at the *Maison des Entreprises*. Once the formalities are completed, they can also obtain a tax identification number to contribute to tax payments in the country.

Refugees can exercise their liberal profession after their diploma obtained outside of Niger has been recognized through the National Services for Equivalence of Diplomas.

3.3 Land, housing, and property rights

Refugees and asylum-seekers continue to enjoy the same access to land, housing and property rights as nationals in the absence of domestic legislation restricting those rights.

Article 10 of the [1997 Refugee Law](#) continues to permit refugees and registered asylum-seekers to access housing and security services on an equal footing with nationals of Niger.

After the Government of Niger made pledges during the GRF in December 2019 to provide land for 40,000 refugees in the hosting areas and the development of the social housing project in Diffa and Tillabéri, refugees have made progress in accessing housing through the allocated land under different legal regimes. As of June 2023, approximately 35,000 vulnerable refugees (approximately 85 per cent of the target) benefited from social housing. The target is to reach 100 per cent by end of 2023. Discussions with the Government are ongoing to extend this scheme to cover the 2023-2027 period, as part of a new GRF pledge to be made by the Government.

Refugees are identified based on vulnerability and may receive either a plot of land (200m²) or a house, built either in traditional banco (clay) or using the ISSB technique. The land and housing scheme continues to support local governance as decentralization provides municipalities with discretionary power in terms of urban planning. The architecture of plots of land is organized in settlements, which are validated by the Ministry of Urban Planning. The innovative concept of the “social plot” aims, through the delivery of land titles by the mayors (heads of the municipality), to supervise the process of donation and possession of plots to target the households most in need. Socio-economic diversity is ensured as host community members, IDPs and refugees are included based on vulnerability in these new living spaces.

Since 2020, several legal regimes to use or own land have emerged in Niger. The decision is largely within the purview of the mayor when it comes to the duration of a parcel to be allocated through a loan contract, the provisions governing it and the possibility – or lack thereof – to acquire property rights. Currently, four main regimes can be distinguished in Niger:

- I. *Short-term progressive acquisition* of property rights after seven years: The loan offers the possibility for the refugee to acquire full ownership after seven years of continuous occupation without an unjustified absence of more than three months. A deed of assignment is then to be created to transfer the property. *This makes it the most refugee-friendly regime. It applies in Abala.*
- II. *Mid-term progressive acquisition* of property rights after ten years: The loan consists of a ten-year contract at the end of which the beneficiary becomes the owner with the grant of a deed. The refugee can transfer the dwelling to his successors and in some cases grant a mortgage with the agreement of the mayor. These rules have the practical consequence that refugees can obtain full ownership, however this period is longer than in other municipalities. *This regime applies in Chetimari and Gueskerou.*
- III. *Discretionary*: This regime leaves much flexibility to the municipality (Maine Soroa being an example). The refugee must build his/her house within four years. Since the date of final allocation of full ownership is not specified, it is therefore entirely discretionary and depends on the goodwill of the mayor.

IV. Restrictive with no acquisition of property rights: this is the most restrictive contract in terms of rights insofar as the refugee never owns the land. The refugee shall only enjoy possession for as long as he/she remains a refugee. They can nevertheless transfer the house to their beneficiaries and the duration of the loan is not limited in time. *This applies in Ouallam.*

3.4 Financial and administrative services

Refugees continue to enjoy equal access to financial services alongside Nigerien nationals, as derived from the interpretation of the rights stipulated in Article 10 of the [1997 Refugee Law](#). They can open bank accounts on equal terms as Nigerien citizens by presenting their refugee identity cards issued by the CNE. However, asylum-seekers face limitations in practical terms: they are unable to open bank accounts due to the absence of identity cards issued by the Government. The temporary asylum attestations issued by CNE are not sufficient to this effect.

In practice, financial services for refugees and IDPs are limited. The banking penetration rate in Niger remains low, with only a fraction of nationals (approximately six per cent) accessing traditional and digital financial services. There is no specific data for refugees, but the figures are expected to be even lower. While some urban refugees who possess refugee identity cards access some financial services, this remains very limited, owing to restrictions imposed by some financial service providers. With these services concentrated in urban areas, rural refugees struggle more to access financial services.

Since 2020, administrative services delivered to refugees and asylum-seekers have continued to improve with the introduction of a one-stop shop (*Guichet Unique*) supported by UNHCR in Niamey and others in some of the refugee hosting areas (*Ouallam and Abala*). In addition to UNHCR and its partners, CNE staff also participate in providing documentation, counselling, and assistance to facilitate access to national public and private services, addressing any remaining obstacles.

Refugees can obtain driving licenses in Niger. The recognition of foreign driving licenses is possible on a case-by-case basis with CNE's support. They can also apply to have foreign diplomas recognized by any university in Niger.

4. Access to National Public Services

4.1 Education

Under Article 10 of the [1997 Refugee Law](#), refugee children continue to have access to the national education system on equal footing with children and youth of the host communities.

From January 2019 to date, due to increasing insecurity in border areas, more than 900 schools have been closed, affecting children and youth. Consequently, refugees, IDPs and host communities have faced reduced access to educational facilities compared to the past.

For 2022-2023, the [gross enrollment rate](#) (GER) for refugee children is 39 per cent in primary school and nine per cent in secondary school. In contrast, the GER for Nigerien children is 68 per cent in primary school and 20 per cent in secondary school. The drop-out rate from primary to secondary levels for refugees and host communities continue to be attributed to population displacement, limited prioritization of access to education by the head of household, absence of school feeding programs, early marriages among girls, family reliance on manual labor undertaken by children, and the shortage of nearby secondary schools. Out of 147,845 UNHCR registered refugee children aged 4 to 17, 105,326 were not in school and 51.79 per cent of them were girls. To address these challenges, the former President has advocated for and raised funds to establish new boarding schools for girls across the country.

Although Malian pupils have been fully integrated into national education programs, they still face high rates of analphabetism and limited interest in formal education. English and Arabic speaking refugee children (from Nigeria and Sudan) enrolled in the national primary education system continue to lack transition programs, leading to higher dropout rates.

Nigerian refugees who had attended secondary school in Nigeria before arriving in Niger in 2015 continued to attend the distance education program. By now it has stopped admitting new students and will end when the last cohort graduates. UNHCR, in collaboration with the Nigerian Education Authorities National Examination Council (NECO) has supported distance education centers, allowing students to take the Basic Education certification Examination (BECE) and the Senior Secondary Certificate Examination (SSCE) in Diffa. These efforts have continued with limited engagement of the Nigerien Ministry of Education. Some Nigerian refugees who did not attend secondary school in Nigeria have not been enrolled in these distance education programs upon arrival in Niger.

Refugee education related data has been integrated into the National Education Information and Management System run by the Ministry of National Education (MNE). However, refugee children are not included in the current mechanisms of the Ministry for identifying out-of-school children. Refugee students in the national system pay the same examination fees (e.g. *Brevet d'Etudes du Premier Cycle*, BEPC) as nationals, as per Article 10 of the Refugee law. For the *Baccalauréat* examination (high school diploma) in particular, payments are made through a national platform administered by the Ministry of Education. However, the platform was developed without considering refugee status, leading to refugees being categorized as “foreigners” instead of “nationals.” UNHCR has been working with local education authorities in various regions to address this issue.

Besides the specific distance education program that will soon end, all other interventions aim to support the inclusion of all refugees in the national education system at all school levels and forms. These interventions include infrastructure construction, rehabilitation and equipment, provision of school materials, teacher training, advocacy for school feeding, collaboration with national and local education authorities and partners, participation in joint programming and resources mobilization, benefiting both refugees and host communities.

Despite these efforts, significant barriers remain to strengthen access to the national education system for refugees. Engaging with caregivers and community leaders to assess needs and challenges, addressing local values and beliefs, combating harmful practices, identifying, and supporting at-risk groups, and increasing school attendance and retention among refugees are all vital components of these efforts. Global Partnership for Education (GPE), as part of the country’s funding requests.

4.2 Health care

Under Article 10 of the [1997 Refugee Law](#), refugees and asylum-seekers enjoy equal access to government-led healthcare services, spanning primary, secondary, and tertiary care, with a cost-recovery approach. To ensure equitable access, free healthcare services continued to be provided by the Government for children under five, pregnant women, caesarean sections, gynecological cancers, and family planning. Patients primarily finance healthcare expenses, contributing to 40 per cent of total costs.

Challenges persist in ensuring effective and secure access to publicly funded healthcare for all nationals and refugees. The 2017-2021 Health Development Plan is being implemented by the Government to enhance national health coverage, quality, and service utilization. Specific challenges faced by refugees in their effective access to national health systems stem from security issues, health system deficiencies, particularly in their hosting areas, and limited access to livelihoods, hampering their ability to cover Government healthcare fees.

The agreement signed between UNHCR and the Ministry of Health (MoH) has provided a framework for refugees to access publicly funded healthcare, allowing free healthcare access for refugees and host communities in five regions until 31 December 2022. The agreement also covers primary, secondary, and tertiary care through the cost-recovery system, with UNHCR reimbursing 100 per cent of medical expenses for refugees when not covered by the publicly financed health care system. In Niamey, the UNHCR-led one-stop shop has continued to reimburse refugees for healthcare expenses sought at government-led facilities.

Since January 2023, no new agreement has been reached between UNHCR and the MoH. Nonetheless, refugees and asylum-seekers still access publicly funded healthcare services, with reimbursements based on prescriptions for secondary and tertiary care provided by UNHCR in absence of their enrollment in the national public health insurances. The ability of refugees to gradually cover their medical expenses has not materialized, leading UNHCR and partners to continue covering the costs of medical reimbursements.

Refugee women and girls continue to access sexual and reproductive health services through government-led facilities, with UNHCR sponsoring the costs for those not covered by the publicly financed health system. Refugees, including children, also have access to mental health and psychosocial support through NGOs funded by UNHCR. Over the three years, there has been an increased collaboration between UNHCR and the government's National Mental Health Program.

4.3 Social protection

Despite the adoption of the National Social Protection framework in 2011 and the stipulations in Article 10 of the [1997 Refugee Law](#), refugees have, in practice, not enjoyed access to national social protection services, except for specific World Bank-funded projects that have extended coverage to select refugees and host communities.

The National Food Crisis Prevention and Management System mentioned above has provided vulnerable national households with food staples in kind, but refugees are not included.

The World Bank financed PARCA project (2018-2023) reached 25,706 refugees with cash transfers as of May 2023. With the expected closure of this project, refugees will neither be targeted by social protection operations financed by the World Bank nor by other partners or programmes.

4.4 Protection for vulnerable groups

Under Article 10 of the [1997 Refugee Law](#), refugees continue to have access to public services, including health and psychosocial care, for unaccompanied, separated refugee children, refugee victims of trafficking and GBV survivors as other refugees with specific needs similar to nationals. The national legal protection framework for the protection of vulnerable children, including refugee children, has not changed over the course of the period considered.

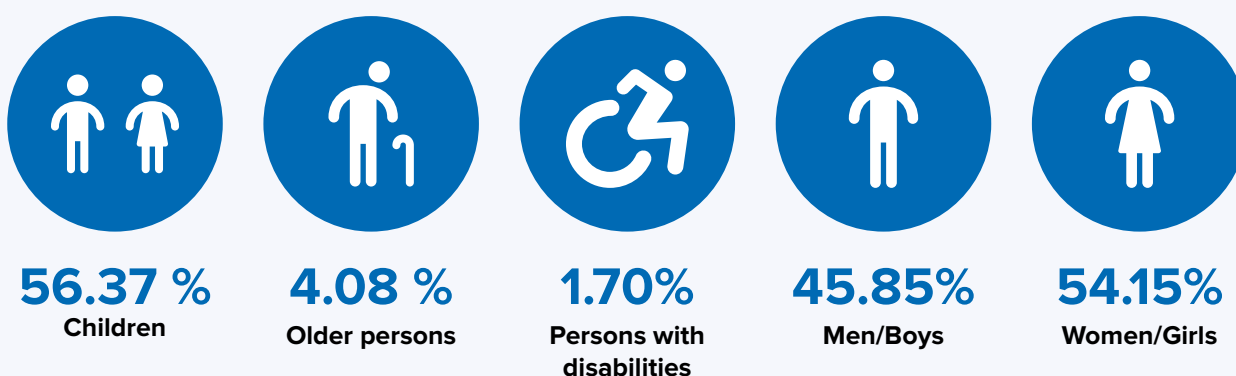
Since 2022, the Protection Monitoring project (referred as to [Project 21](#)) has provided ongoing monitoring of protection issues in the Central Sahel and Lake Chad region. Given the highly precarious child protection environment and the high incidence of GBV incidents in Niger, the P21 project has concentrated its efforts on monitoring and assessing these issues. The observations derive from the reports of some 400 to 600 interviews conducted from May 2022 to June 2023. Notably, the sense of insecurity over the past 12 months has been on a downward trajectory. Theft has consistently been the most frequently reported protection risk, except for February, when kidnappings appeared to be more prevalent. There is also an overlap between child protection and GBV risks, particularly in the context of early or forced marriages, which are commonly reported and represent both a GBV and child protection concern. Furthermore, domestic violence and physical aggression are reported with alarming frequency. Although the Government of Niger is not part of the data collection project for P21, the authorities have used the results of the project monitoring to prioritize their actions.

Vulnerable refugees continue to receive specific care mainly funded by UNHCR and partners in collaboration with the CNE. Vulnerable refugee households are also integrated into the national social housing policy as part of the national habitat strategy. Under this initiative, the vulnerable refugees receive land parcels, and a significant number of them are provided with shelters. Since its commencement in 2020, this scheme, supported by the Government and implemented by UNHCR with funding from Gesellschaft für Internationale Zusammenarbeit (GIZ) and European Union (EU), has benefited approximately 35,000 vulnerable refugees. However, since the social housing projects, along with the PARCA project, are set to conclude in 2023, vulnerable groups may face an increased risk compared to the previous period. Urgent attention must be given to this situation.

5. Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population

as of 30 June 2023



5.1 Gender

All stakeholders continue to make efforts to support and expand women and girls' participation in both refugee and host communities. The most consequential policy sub-dimensions in terms of gender for socioeconomic development of refugees and host communities are as follows:

- a. Girls' education:** Strengthening education, especially for adolescent girls, reduces GBV risks and fosters positive societal and economic impacts. Niger has the highest child marriage prevalence globally, with girls marrying as young as nine due to various pressures. Safer access to secondary education for girls can address this issue. Engaging men, boys, and women's associations in promoting positive masculinity is essential but requires further efforts. In policymaking, inclusion of men's perspectives is crucial for addressing women and girls' needs effectively.
- b. Access to job and self-employment opportunities:** There is a continued challenge for women in accessing formal and informal employment among both refugees and host communities.
- c. Access to financial services:** Women and girls continue to face additional barriers in accessing financial services (including microfinance). It affects refugees and nationals.

5.2 Social inclusion

Over the three-year period, the most consequential policy sub-dimensions in terms of socio-economic opportunities and inclusion of refugees and host communities are as follows:

- a. National data collection system:** Currently collected socio economic data are not capturing the status of those surveyed, whether they are refugees, asylum-seekers or IDPs. Capturing status-based information is critical to better inform policies, track progress and impact over time, help shape and target interventions and prioritize resources. Data segregation providing insights about refugees, asylum seekers and internally displaced was not available in past poverty assessments and national household surveys.
- b. Access to education and connected learning:** Given that a significant number of refugees come from Nigeria, where they are mainly educated in English, the national curriculum taught in French may not suit their age group. Enabling distance learning through modern technology tools is vital for refugee youth to acquire skills, both for employment and language proficiency in societal integration.
- c. Social protection:** Vulnerable refugees are not specifically targeted in cash or in-kind via national safety nets beyond the World Bank financed PARCA project closing in September 2023. Systematic inclusion would decrease their vulnerability and facilitate their local integration.