



## The Human Rights Support Mechanism

The HRSM is a global, multi-year, USAID-funded program implemented by the PROGRESS consortium composed of Freedom House, ABA ROLI, Pact, Search for Common Ground, and Internews. To learn more about HRSM visit: <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/human-rights-support-mechanism-program>

## Objectives of the Study

The Study is in line with the [HRSM Learning Plan](#) and was conducted by the ABA ROLI in collaboration with Freedom House with the aim of filling the evidence gaps in the growing academic literature on the role of National Human Rights Institutions in pursuing justice.

## Scope and Method

The study in Niger was completed using literature review, 24 key informant interviews, and 13,840 online survey responses to address the research questions below:

1. How does interaction with an NHRI or CSO change the way individuals move through their justice pathway?
2. Are there different points in an individual's justice journey that show where trust in state is increased or decreased?
3. What actionable strategies can NHRIs or CSOs take to strengthen the ability of NHRIs to seek justice for individuals who experience rights violations?

# National Human Rights Institutions (NHRI) and their Interactions with Civil Society Organizations (CSOs)

## Summary of Findings: Niger



### Human Rights Conditions

Niger is one of three countries in the Liptako-Gourma region experiencing a worsening security situation that impacts the enjoyment of basic human rights. Niger has maintained democratic power transition while withstanding multiple jihadist attacks that continue to bereave the people of Niger and a failed coup d'état

which has further undermined the stability of the country. The human rights situation in this context has been marked by an upsurge in violations linked to abuses committed by non-state actors, particularly extremist armed groups. Similarly, there have been violations attributed to state actors, particularly those that have been affected during Defense and Security Forces (FDS) operations in response to terrorist attacks.

In addition to national and regional instability, Niger experiences an environment of restrictions on rights and freedoms, justified by a still developing culture of the rule of law, and socio-cultural and religious constraints that tolerate certain practices considered unfavorable to the promotion and protection of human rights, in particular, the rights of women and girls.

## The Niger Commission Nationale des Droits de l'Homme

The Niger CNDH is created under Article 44 of the Constitution of November 25, 2010. It is an independent administrative authority whose mission is to promote and protect human rights throughout the country. The CNDH has an obligation of neutrality and impartiality in investigating human rights violations. It contributes to the administration of justice in accordance with a well-defined legal framework, namely the Law 2012-44 of August 24, 2012, determining its composition, organization, attributions, and functioning, as well as the sacrosanct principles of justice and the rule of law. The Niger CNDH has five regional offices, in Diffa, Tillabéri, Agadez, Dosso, and Zinder, as well as the headquarters office in Niamey.

## Core Functions of the CNDH

- Receive complaints and investigate cases of human rights violations
- Carry out regular visits, notified or unannounced, to places of detention and to make recommendations to the competent authorities
- Fight against torture, acts of abuse and other cruel, inhuman or degrading treatment or punishment, in accordance with universal, regional or national human rights standards
- Fight against rape and gender-based violence in public and private life
- Provide or facilitate legal assistance to victims of human rights violations, in particular women, children, the elderly and persons with disabilities, and other vulnerable persons
- Bring all cases of human rights violations to the attention of the Government
- Combat slavery-like practices, the worst forms of child labor, and similar practices

## **The Role of CNDH in Addressing Justice Needs**

Complaints or reports may be received by the Niger CNDH in written or verbal format filed at the CNDH offices, through its hotline, or online, on the CNDH website. Complaints are reviewed upon receipt by the CNDH general secretariat to identify the nature of the violated right and set for review by the commissioners for assignments. The Commission assigns the complaints to thematic working groups who are headed by a commissioner. The five thematic working groups include the working group on civil and political rights; the working group on socio-economic and cultural rights; the working group on the fight against torture, arbitrary detentions, inhumane and degrading treatment; the working group on the protection of women, children, the elderly and the disabled; and the working group on migration and slavery-like practices. The working group conducts a technical review of the complaint. Parties are heard separately before a hearing is scheduled. If the case requires further investigation, a mission is immediately organized to gather evidence. In most cases, after this stage, the working group proceeds to a conciliation or a referral if it considers that the case is not within its competence. In case of successful conciliation, a report is issued.

The most frequently received complaints before the CNDH generally relate to consequences of the degrading security context of the country, including violent attacks in communities, forced disappearances, acts of torture, and arbitrary detentions. There are also complaints filed in connection with socio-economic rights and violation of marital rights (e.g. refusal to provide child support and alimony), violation of children's rights, including early and/or forced marriages.

After an investigation of a complaint, the CNDH can take several different actions. It can provide legal assistance to women, children, the elderly, persons with disabilities, and other vulnerable persons. The CNDH can issue a report detailing the findings of its investigative efforts. The CNDH might make recommendations or propose solutions to State officials to resolve a complaint. The alleged perpetrator of the violation has one month to respond, after which the CNDH can inform the justice sector authorities. The claimant is to be informed of the proposed solutions, which might include an injunction on the alleged perpetrator to end the violation, or alternative dispute resolution with the aim of achieving reconciliation.

## **The Role of CSOs in Addressing Justice Needs**

Civil Society Organizations (CSOs) provide support and advice to human rights victims and their families. CSOs refer human rights violations cases to the police or the gendarmerie in locations when CSOs have close ties in the communities.

CSOs also work towards conciliation where applicable and refer cases that are beyond their capacity to relevant state actors. Adjudication through courts is most commonly pursued in cases of slavery to ensure enforcement.

The most frequent cases handled by interviewed CSOs are gender-based violence, rape, assault and battery, refusal to execute court decisions, arbitrary detention, torture, forced disappearances, slavery, and similar practices.

## **CNDH and CSO Interactions**

The CNDH interacts with CSOs in investigation and monitoring missions. CNDH also receives referred cases from CSOs. The CNDH has an established multi-actor thematic framework that guides their interaction with CSOs. The CSOs interviewed and the CNDH perceive these interactions to be favorable for these institutions and for the clientele whose human rights issues they hope to address. While mechanisms for interaction exist, some CSOs interviewed indicate that there has been less collaboration in recent years.



## Individual Responses to Human Rights Violations

In an online survey of individuals from Niger, more than one-fourth of respondents reported that they or someone in their household experienced human rights violation/s in the last two year. (28% of those surveyed). The survey identified freedom of speech, right to protest, right to equal pay, right to vote, and right to security as most commonly violated. Women are more likely to report experiencing a human rights violation in their household compared to men.

Of the people who experienced human rights abuses in their household, a plurality claimed that the state was the perpetrator (36%). Most respondents who have experienced human rights violations reported that their alleged perpetrators include government entities (21%), police (15%), another non state person (14%), and employer (12%).

In response to experiencing a human rights violation in their household, individuals followed many different courses of action, suggesting that there is no typical response to rights violations, and most of these actions did not result in an improved situation for the respondent. Only a small percentage of respondents reached out to the CNDH or CSOs for resolution. The most common response indicated was to reach out to family (10%), followed by filing in court (7%), leaving homes (7%), and posting on social media (7%). 6% approached CNDH, lawyers, and media, and withdrew from their communities, respectively.

Respondents claim that most responses are ineffective at improving their situation. Only 25% of those who acted on the human rights violation in their household reported that the situation improved, while close to half thought their situation had worsened or stayed the same.

Respondents chose their response because of perceived effectiveness (23%) or safety (21%).

Of those who did not choose to act on the human rights violation, 18% feared retaliation and another 18% felt it was not worth fighting against. 37% cited “other reasons.”

Respondents in the online survey also saw a random selection of hypothetical scenarios featuring various human rights abuses and were asked to contemplate corresponding actions individuals may take and the possible factors they would consider in making those choices. While only 6% of respondents who experienced a rights violation sought help from the CNDH, the most common response to hypothetical scenarios was to reach out to the CNDH (18%). Other respondents indicated that individuals should seek help from free legal assistance providers (11%), police (10%), NGOs or CSOs (9%), and courts (9%). Respondents indicated that their choices were based on the following primary reasons: likelihood of actionable help (22%), openness to listening (14%), high likelihood of fair outcome (12%), and ability to provide safety (11%).

While women are more likely to report experiencing a human rights violation in their household, respondents in the survey felt that scenarios featuring a female victim were less likely to happen compared to scenarios featuring male victims. Respondents were also more likely to suggest that the hypothetical victim seek help from traditional leaders, friends and family, NGOs and the police when the victim was a woman compared to scenarios where the hypothetical victim was a man.

### Trust in the CNDH

Most individuals trust the CNDH (80%), however, individuals who experienced a rights violation in their household are less likely to trust the CNDH. 74.1% of individuals that reported that they or someone in their household have experienced a human rights violation in the past two years indicate that they trust the CNDH. 87.9% of individuals who have not experienced human rights violations trust the CNDH (a difference of 13.8%).



Most individuals in Niger trust the CNDH, but urban respondents trust the CNDH at higher rates than those who live in urban areas. 81% of individuals that live in urban areas trust the CNDH, compared to 74% in rural areas. Male and female respondents trust the CNDH at similar rates (80% and 77% respectively)

### Trust in CSOs

Like trust levels for the CNDH, majority of survey respondents trust CSOs/ NGOs, however respondents who experienced human rights violations are less likely to trust CSOs/NGOs. 75% of those that indicate they or someone from their household experienced human rights violations think that NGOs are trustworthy. In comparison, more or 85% of those that did not experience human rights violations find NGOs trustworthy, indicating a difference of 10%.

79% of the respondents that live in urban areas find NGOs trustworthy, compared to 72% in rural areas. Of those that experienced a human rights violation, 80% of female respondents find NGOs trustworthy compared to 73% of male respondents.

**80%** 

Most individuals (80%) trust the Niger Commission Nationale des Droits de l'Homme (CNDH).

### Individual Experiences in interacting with CNDH and CSOs

Individuals interviewed approach the CNDH for two reasons. First, the CNDH can pursue cases through less formal and costly avenues than courts such as conciliation and mediation among others. Second, victims feel that the CNDH is their last resort when other state bodies do not act on or act in favor of victims and their complaints. In these instances, individuals reached out to CNDH through in person reporting.

Individuals file complaints to CSOs with expertise in the human rights related to their case, though only 9% of respondents to the survey claimed that they turned to CSOs for help. CSOs are seen as specialists with set mechanisms to pursue justice. In specific human rights violations where CSOs do not have expertise, individuals interviewed indicated that their next resort would be to reach out to the CNDH.

There is no evidence that establishes any linkage of individuals' trust towards the CNDH/CSOs and their trust towards the state. Individuals see the CNDH and the CSOs as separate entities from the state and have historically reported cases to the CNDH and CSOs.

The Niger CNDH has 6 offices that service 25.5 million people across Niger. CNDH and CSOs have less coverage especially for the provision of legal assistance and investigation in far flung areas. The extent of geographic reach limitations needs to be assessed further.

The CNDH and CSOs indicate that trust levels of victims and their families increase based on their experiences regardless of case outcome. These are consistent with individual feedback. Furthermore, individuals interviewed feel confident that the CNDH can support them better because they are funded to support and because of their broad mandate.





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## Recommendations Based on Findings

1

### **Build on CNDH efforts to strengthen their collaboration with CSOs to support access to justice**

The CNDH and the CSOs agree that improved collaboration would only mean better support for human rights violation victims and their families. A revisit of their collaborative framework to address justice needs and other support requirements of victims of human rights violations in more areas in Niger may build overall capacities to reach more localities. An aspect identified of immediate need is a map of CSO thematic and functional focus to quickly identify areas where CNDH and CSOs may work together in addressing human rights and justice needs.

2

### **Development of standard and clear operating procedures and furthering awareness raising efforts on the role and services of the CNDH may increase citizen's ability to pursue justice in human rights violations they experience**

Standard Operating Procedures (SOPs) may support the reach of the CNDH into more localities. SOPs may also define CSO support and interaction points with the CNDH, building on current practices and defining more standard approaches for all CSOs who work with CNDH.

3

### **Build on the study to identify what hinders individuals from pursuing justice more broadly to identify citizen needs based on their perspective**

Niger has deep and permeating issues relating to access to justice that go beyond the NHRI and CSO interactions. Some issues identified by respondents include inaccessibility of courts and the CNDH's lack of authority to monitor directly in prisons without guards and detention officers.

4

### **Identify sustainable approaches for legal assistance provision**

CSOs interviewed indicated willingness to continue to provide legal assistance alongside the CNDH but have had limitations in funding and reach. Technical and financial support to CSOs and CNDH in ensuring quality legal assistance reaches far flung areas and communities that have historically experienced marginalization.

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