

# NIGER | UPDATE DECEMBER 2017

## SUPPORTING NATIONAL-LEVEL COMMITMENT TO PROTECT INTERNALLY DISPLACED PERSONS

### **NIGER:** ..... CONCERN OVER PROTECTION RISKS FOR INCREASING NUMBERS OF DISPLACED POPULATIONS

In Niger, protection cluster partners are actively advocating for the Guiding Principles on Internal Displacement and for other legal frameworks to be incorporated into national legislation. The country has developed into a major hub of migratory movements northwards to Algeria, Libya and the shores of the Mediterranean Sea to cross into Europe. Attacks by Boko Haram on both sides of the Nigerian border, continue to pose a security threat to populations in the region, including displacement. With the first attacks on Niger territory in February 2015, the situation has deteriorated dramatically – and as a result, populations of concern include not only Nigerian refugees and Nigerien returnees but also internally displaced persons who have now surpassed the number of those fleeing Nigeria. In the Diffa region, persons are exposed to various protection risks, including the difficulty of accessing certain localities, lack of identity documents, arbitrary arrests, restriction of movement and limited access to basic social services. With continued displacement, there is heightened concern over housing, land and property rights e.g. forced evictions that could jeopardize durable solutions.

### **NATIONAL COMMITMENT:** ..... ENHANCING THE PROTECTION OF INTERNALLY DISPLACED PERSONS

The Government of Niger must be commended for ratifying in May 2012 the first ever regional treaty for the protection and assistance of IDPs, the African Union (AU) Convention on the Protection of Internally Displaced Persons in Africa (the 2009 Kampala Convention) and its heightened commitment to incorporate its standards which draw on the Guiding Principles into the national legal framework.

**i** The GP20 updates highlight national, regional and global activities aimed at galvanizing, launching and supporting national-level action to enhance the protection of Internally Displaced Persons (IDPs) and contributing to resolving internal displacement in line with the Guiding Principles on Internal Displacement. It is anticipated that national-level action, if pursued globally and collectively around the theme “Prevent, Protect, and Resolve”, can support UN-wide efforts to build confidence with IDP-affected States and a range of stakeholders – in a manner that identifies both the challenges and the targeted support that the UN can bring to addressing them.

## **SEIZING THE MOMENTUM:** ..... **SUPPORTING NATIONAL-LEVEL ACTIVITIES BY ENGAGING GOVERNMENT COUNTERPARTS**

The incorporation of the Guiding Principles into national legislation is supported by the Protection Sector Working Group through targeted efforts, including workshops and trainings. In November 2017, for instance, the PSWG brought together thirty-eight members in a session to recall relevant sources and legal frameworks for protection and assistance to internally displaced, to review the structure of the Guiding Principles and the composition of the key principles. The session was co-chaired by the Legal Adviser to the Special Rapporteur on the Human Rights of Internally Displaced Persons. The session stipulated discussions on the application of the Guiding Principles in the Diffa region and fostered thinking on its practical use on case-scenarios and identifying the principles applicable in the different scenarios. A reference to specific principles are now being made in respective advocacy notes.

**5,101** Since the beginning of 2017, the Protection Cluster has trained 5,101 persons on protection related topics.

At the beginning of the year a capacity building plan on *protection* was established and is currently followed. The target audience for the training are military, police, government counterparts, community protection focal points, other clusters (mainly for protection mainstreaming), protection cluster members and health workers/ teachers.

In line with other initiatives to strengthen national legislation on internal displacement, the UNHCR Regional Office organized in April 2017 a Training of Trainers workshop on law and policies. Key stakeholders of the Government of Niger, the Director of Human Rights of the Ministry of Justice and a deputy, Chairman of the General and Institutional Affairs Committee at the National Assembly together with the Coordinator of the Diffa Protection Sector Working Group and senior protection officer of UNHCR Niamey participated in the workshop which resulted in a strong commitment from the Government delegates to launch and accompany the process of domestication of the African Union Convention in the national legal framework of Niger.

As next steps, an analysis will be conducted to verify the effective compliance of Niger's national internal displacement framework with international legal standards for the protection of IDPs with a view to highlighting gaps or potential obstacles to the full enjoyment of the rights of persons displaced. The analysis will focus on a range of areas of regulation that are considered essential to ensure an adequate response (e.g. prevention, protection and durable solutions) to internal displacement. Positively, the process will result in the development of a draft national law incorporating the 2009 African Union Convention into Niger's national legal framework.

On a quarterly basis, the protection working group in Diffa reviews the progress of the Abuja action plan, so as to do a stock taking exercise on good practices, actions taken and to update the planned activities.

## **PRACTICAL CONSIDERATIONS** ..... **FROM THE NIGER CONTEXT**

**Engage with the Government counterparts from the onset of the displacement crisis through capacity building exercise on the Guiding Principles on Internal Displacement - at national, as well as regional level**

**Translate the Guiding Principles into local language and create key messages about them**

**Use the Guiding Principles actively in cluster advocacy messages as reference and support**