



Prepared by: British Red Cross

NIGER

Overview of emergency legislation adopted in response to COVID-19

Cut-off date for the research

The material analysed has been gathered until 30 March 2020. The analysis is comprehensive up to that point in time.

Analysis under the different research questions

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

Despite the lack, at the time of writing, of a national emergency response mechanism involving non-state actors, mentions of coordination between state and non-state actors have been found in two documents analysed.

The first mention of this coordination is included in the letter sent by the Deputy Secretary-General of the Directorate for the Surveillance and Response to Epidemics of the Ministry of Public Health of Niger to the President of the Nigerien Red Cross on 14 February 2020.¹ In this letter, the Deputy Secretary General asks for the Nigerien Red Cross' support in some specific aspects of the response to the Covid-19 epidemic. For an overview of this aspects, please see question 2 below.

Moreover, on 26 March 2020 the OIREN (Organisation Internationales Représentées au Niger), a non-profit association gathering 64 NGOs operating in Niger (including, among others, Save the Children, the Danish Refugee Council, Water Aid and Oxfam), issued a press release on its support to the Government's initiatives to prevent and respond to the Covid-19 outbreak. The press release states that the NGOs represented are closely involved in the elaboration of a Governmental preparedness and response plan to the Covid-19 pandemic

¹ Letter from the Deputy Secretary-General of the Directorate for the Surveillance and Response to Epidemics of the Ministry of Health of Niger to the President of the Nigerien Red Cross, "Support to the preparation and prevention of an epidemic of the new Coronavirus (2019-nCoV)", 14 February 2020.

at both a regional and national level.² It also adds that they are active in a plea to ensure that the mobilisation of resources matches the expectations, and are committed to mobilizing themselves to contribute significantly to the implementation of Niger's prevention and response plan for the Covid-19 pandemic.³

The letter and the press release thus seem to suggest a willingness on the side of the Government to include the Red Cross Movement and other NGOs and humanitarian actors in its response to the Covid-19 epidemic.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

Regarding humanitarian actors in general, the only specific mention of their role can be found in the press release of the OIREN. As mentioned above, the press release states that NGOs are involved in shaping the Governmental preparedness and response plan to the Covid-19 pandemic at both a regional and national level, as well as in the mobilization of resources to support Niger's prevention and response to the pandemic.⁴ However, no description is provided of the concrete specific actions through which this support is or should be provided.

Regarding the Movement, the letter sent by the Deputy Secretary-General of the Directorate for the Surveillance and Response to Epidemics of the Ministry of Public Health to the President of the Nigerien Red Cross on 14 February 2020 includes a series of support measures that the Government asked the Nigerien Red Cross to take. These are in particular: to make its communication tools and volunteers available to carry out awareness-raising activities among the population and disinfection at entry points, the broadcasting of awareness-raising messages in the media, and the training of community actors, teachers and security forces deployed at border crossings.⁵ The letter also includes a list of goods, such as bleach, sprayers, disinfectant gel, sterile gloves, masks, body bags and tents, needed in the prevention and control of the pandemic which are needed in the State's response.⁶

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

To tackle the Covid-19 epidemic, the Government has adopted two measures limiting movement into Niger. These are (1) a period of mandatory self-isolation upon arrival in the Country; and (2) the closure of borders. As described below, none of these measures include an exception for humanitarian workers; the border closure however does not affect the transport of goods, which are still allowed in the Country.

(1) Mandatory self-isolation upon arrival in Niger

² OIREN, Press Release, "Press release from International NGOs in Niger", 26 March 2020.

³ *Ibid.*

⁴ OIREN, Press Release, "Press release from International NGOs in Niger", 26 March 2020.

⁵ Letter from the Deputy Secretary-General of the Directorate for the Surveillance and Response to Epidemics of the Ministry of Public Health of Niger to the President of the Nigerien Red Cross, "Support to the preparation and prevention of an epidemic of the new Coronavirus (2019-nCoV)", 14 February 2020.

⁶ *Ibid.*

The first mention of the obligation to self-isolate for individuals entering in the Republic of Niger was made on 10 March 2020. On this date, a letter from the Minister of Public Health to the Minister of Foreign Affairs, Cooperation and African Integration required the latter to inform all the Nigerien Embassies and Consulates that all individuals who were travelling or returning to Niger from a country affected by the Covid-19 epidemic had to self-isolate upon arrival for a period of 14 days.⁷ The measure applied to both Nigerian nationals and foreigners.⁸

This measure was subsequently endorsed by the Council of Ministers during a meeting on 13 March 2020. According to the Communiqué issued following the meeting, every individual arriving from a Country where the outbreak is ongoing must self-isolate at home or at another suitable place for a period of 14 days.⁹ For the purpose of self-isolation, the Government requisitioned the Gawaye Hotel in Niamey, as well as rooms in other hotels in the Country.¹⁰

The measure does not appear to include any exceptions. The fact that it also applies to humanitarian personnel and organizations can be inferred from the press release issued by OIREN on 26 March 2020, where it is stated that the represented NGOs had “adopted the [measure of] immediate confinement at home for a period of 14 days for all employees or others coming from a Country infected by Covid-19”¹¹.

(2) The closure of borders

The complete closure of all international borders of Niger was decided during a special Council of Ministers on 17 March 2020. According to the Communiqué issued at the end of the meeting, the Council of Ministers approved the closure of the international airports of Niamey and Zinder to all international flights, as well as the closure of all land border crossings, for a period of 2 weeks starting at midnight on 19 March 2020.¹²

The measure, which could be subjected to renewal, included an exception for cargo, air ambulance, and military flights as well as for the transport of goods on land.¹³ Goods, including medical equipment and humanitarian relief, are therefore still allowed in the Country.

According to sources outside of Niger, the closure of the international borders and airports has been extended until 17 April 2020.¹⁴

⁷ Letter from the Minister of Public Health to the Minister of Foreign Affairs, Cooperation and African Integration, “Measures of self-isolation in the framework of the fight against Coronavirus (Covid-19)”, 10 March 2020.

⁸ *Ibid.*

⁹ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 13 March 2020”, 13 March 2020, point 2.

¹⁰ Office of the Secretary-General of the National Committee against the Covid-19, Daily bulletin on the situation of the Coronavirus (COVID-19) pandemic in Niger, 23 March 2020, p. 4.

¹¹ OIREN, Press Release, “Press release from International NGOs in Niger”, 26 March 2020.

¹² Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, points 1 and 2.

¹³ *Ibid.*

¹⁴ The information has been taken from the website of the Italian Ministry for Foreign Affairs (available at <http://www.viaggiaresicuri.it/country/NER> - in Italian) as well as the Italian Embassy in Niamey (available at https://ambniamey.esteri.it/ambasciata_niamey/it/ambasciata/news/dall-ambasciata/2020/03/aggiornamento-emergenza-coviid.html - in Italian).

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

Limits have been also placed on the movement of persons inside of Niger. They are the following:

(1) Suspension of shared ground passenger transport systems

On 20 March 2020 bus terminals and shared ground passenger transport systems have been suspended for a week starting on 21 March 2020 at midnight.¹⁵

The measure could be subjected to renewal.¹⁶ The fact that the measure is still in place at the time of writing seems to be supported by the Communiqué issued following the Council of Ministers of 27 March 2020. According to this document, one of the measures adopted by the Council was the suspension of VAT tax “for the whole duration of the suspension of the activities of the inter-urban ground passenger transport”.¹⁷

(2) Health confinement of and curfew in Niamey

On 27 March 2020, the Government of Niger also adopted further measures to limit the spread of Covid-19. In particular, the Government decided to put the city of Niamey under health confinement for a period of two weeks starting from 29 March 2020 at midnight.¹⁸ During this period, entrance to and exit from the city are not allowed. A curfew from 19h00 until 06h00 has also been established on the same territory starting on 28 March, also for a period of two weeks.¹⁹

These measures do not appear to include any exceptions.

(3) Encouragement to employers to limit business travel

Finally, an advice to employers to adopt measures to prevent the spreading of Covid-19 also applicable to humanitarian actors without exceptions might limit to some extent the possibility to access communities affected by the outbreak. In particular, a Communiqué of 24 March 2020 issued by the Ministry of Employment, Labour and Social Protection reminded employers of their obligation to ensure the protection of the life and health of their employees, and invited them to limit as much as possible all business travels in risk areas.²⁰

¹⁵ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 20 March 2020”, 20 March 2020, point 3.

¹⁶ *Ibid.*

¹⁷ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. II.1, point 6.

¹⁸ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. I, point 3.

¹⁹ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. I, point 4.

²⁰ Ministry of Employment, Labour and Social Protection, Communiqué, “Prevention of the spreading of coronavirus in the workplace”, 24 March 2020, pp. 1 and 2.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

Regarding specific measures adopted for the import of medical aid and relief items, it is first of all important to highlight that, despite the closure of international borders, as mentioned under question 3 above, cargo, air ambulance, and military flights as well as goods in general are still allowed into Niger.²¹ Medical equipment and humanitarian relief can therefore still be imported in the Country.

Moreover, special tax measures have been adopted for the import of goods needed to fight the Covid-19 pandemic. In particular, during the Council of Ministers of 27 March 2020, the Government agreed to exempt from duties and taxes all imports of products that fall within the scope of the fight against Covid-19.²² Items explicitly included in this category are protective masks and hydroalcoholic gels, but the list appears to be non-exhaustive.²³ Another support measure for importers in general was also adopted in the same document; this took the form of a deferral (of up to 90 days) of the payment of import duties and taxes for goods other than the ones mentioned above.²⁴

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

No mention of exceptions for humanitarian personnel to the restrictions and measures adopted above is made in any of the documents analysed.

However, in light of the role that the Ministry of Public Health asked the Nigerien Red Cross to play in support of the Government's action against Covid-19, an exception could be asked in order to carry out at least those activities explicitly mentioned in the letter of the Ministry of Public Health and described under question 2 above.

This is particularly important because one of the measures recently adopted by the Government appears to constitute an hinderance to the provision of the awareness-raising activities and trainings that the Nigerien Red Cross was explicitly asked to undertake. On 13 March 2020 a limitation was places on all gatherings involving more than 1000 people.²⁵ The number of people allowed to gather was reduced to 50 on 17 March 2020²⁶, until these

²¹ Office of the President of the Republic, Communiqué, "Communiqué of the Special Council of Ministers of Tuesday 17 March 2020", 17 March 2020, points 1 and 2.

²² Office of the President of the Republic, Communiqué, "Communiqué of the Council of Ministers of Friday 27 March 2020", 28 March 2020, para. II.1, point 1.

²³ *Ibid.*

²⁴ Office of the President of the Republic, Communiqué, "Communiqué of the Council of Ministers of Friday 27 March 2020", 28 March 2020, para. II.1, point 2.

²⁵ Office of the President of the Republic, Communiqué, "Communiqué of the Council of Ministers of Friday 13 March 2020", 13 March 2020, point 3.

²⁶ Office of the President of the Republic, Communiqué, "Communiqué of the Special Council of Ministers of Tuesday 17 March 2020", 17 March 2020, point 6.

gatherings were completely banned on 20 March 2020.²⁷ Moreover, since 17 March 2020 all workshops and seminars have been prohibited until further notice.²⁸ The fact the NGOs represented by OIREN suspended all planned workshops, seminars and training to comply with the measures adopted by the Government strongly suggests that this measure is applicable also to humanitarian actors.²⁹

Finally, other limitations placed on employers to prevent the spreading of Covid-19 are also applicable to humanitarian actors without apparent exceptions. In particular, a Communiqué of 24 March 2020 issued by the Ministry of Employment, Labour and Social Protection reminded employers of their obligation to ensure the protection of life and health of their employees, and invited them to put in place a list of measures to limit the spread of Covid-19 in the workplace, including the provision of hand washing facilities and hand sanitizers, the limitation of all non-work related gatherings, and the limitation to the extent possible of all business travels in risk areas.³⁰ As mentioned previously, this last limitation may in particular an impact on the possibility to access communities affected by the outbreak. The adoption of these measures by the NGOs members of the OIREN strongly suggests that these measures are also applicable to humanitarian actors.³¹

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

On top of the measures described in the sections above, other measures adopted by the Government of Niger to tackle the Covid-19 epidemics are:

- 1) The cancellation until further notice of all international events planned to take place in the Country.³²
- 2) The cancellation of all official missions in Countries where the pandemic is underway.³³
- 3) The closure of all schools for a period of two weeks starting from 20 March 2020 at midnight.³⁴

²⁷ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 20 March 2020”, 20 March 2020, point 2.

²⁸ Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, point 6.

²⁹ OIREN, Press Release, “Press release from International NGOs in Niger”, 26 March 2020.

³⁰ Ministry of Employment, Labour and Social Protection, Communiqué, “Prevention of the spreading of coronavirus in the workplace”, 24 March 2020, pp. 1 and 2.

³¹ OIREN, Press Release, “Press release from International NGOs in Niger”, 26 March 2020.

³² Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 13 March 2020”, 13 March 2020, point 1.

³³ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 13 March 2020”, 13 March 2020, point 6.

³⁴ Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, point 4.

- 4) The closure of all bars, pubs, cinemas and entertainment venues from 18 March 2020 at midnight.³⁵
- 5) The institution of mandatory hygienic measures in restaurants, markets, stores, and public and private services.³⁶
- 6) The mandatory respect of a personal distance of at least one meter in open spaces, restaurants, businesses, airports, and public places.³⁷
- 7) In agreement with religious leaders, the closure of places of worship.³⁸
- 8) The strengthening of temperature checks and hygienic measures upon entry to and exit from cities.³⁹
- 9) The prohibition of non-essential visits in prisons and hospitals and other medical units, both public and private.⁴⁰ A Communiqué of the Ministry of Justice further specified that the suspension of prison visits was established for a period of three months; moreover, meetings with lawyers and the provision of parcels and food items were to be allowed only if the safety measures put in place could be respected.⁴¹ In a speech delivered on 27 March 2020, the President of the Republic further asked the Government to provide an *ex gratia* pardon for 1540 prisoners on humanitarian and compassionate grounds to address the issue of prison overcrowding.⁴²
- 10) The suspension of all public hearings until 25 March 2020, and the provision by courts and tribunals of only essential services.⁴³
- 11) The limitation of the use of arrest and detention only to the commission of crimes, acts of terrorism and against public order.⁴⁴
- 12) The involvement of the Army medical service in taking care of people affected by Covid-19.⁴⁵

³⁵ Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, point 5.

³⁶ Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, point 7.

³⁷ Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, point 8.

³⁸ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 20 March 2020”, 20 March 2020, point 1.

³⁹ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 20 March 2020”, 20 March 2020, point 4.

⁴⁰ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 20 March 2020”, 20 March 2020, points 6 and 7.

⁴¹ Ministry of Justice, Communiqué, 20 March 2020.

⁴² President of the Republic, Speech to the Nation, 27 March 2020.

⁴³ Ministry of Justice, Communiqué, 20 March 2020.

⁴⁴ *Ibid.*

⁴⁵ Office of the Secretary-General of the National Committee against the Covid-19, Daily bulletin on the situation of the Coronavirus (COVID-19) pandemic in Niger, 23 March 2020, p. 4.

- 13) The opening of the recruitment of 275 doctors and 25 pharmacists by the Ministry of Public Service and Administrative Reform.⁴⁶
- 14) The declaration of a state of emergency on the whole territory of Niger.⁴⁷
- 15) The adoption of tax relief measures for the population at large and for specific categories of individuals affected by the Covid-19 pandemic due to their personal or professional situation. This includes, among others, VAT reductions for hotel businesses, suspension of tax recoveries for a two-months period for travel agents, bars, pubs and sport centres and the payment by the Government of the electricity and water bills for some social sections.⁴⁸ The adoption of a list of tax relief measures had been suggested to the Government by the Tax Directorate-General through a note to the Minister of Finances dated 25 March 2020.⁴⁹
- 16) The adoption of measures to ensure the functioning of public services, including the requisition of personnel to ensure the continuation of public services, the suspension of all internships, the suspension of the use of the elevators in public buildings, restrictions on buildings access for the public and limits non-essential meetings.⁵⁰
- 17) Measures have also been adopted by local authorities, such as for instance the decision of the city of Niamey to close all markets from 17h00 every day to allow for a complete cleaning and disinfection of the areas, and the creation of areas reserved to the mandatory handwashing at the entrance and exit of all market areas⁵¹. All shops in Niamey must also provide handwashing facilities to customers.⁵²

List of sources analysed

- Letter from the Deputy Secretary-General of the Directorate for the Surveillance and Response to Epidemics of the Ministry of Health of Niger to the President of the Nigerien Red Cross, “Support to the preparation and prevention of an epidemic of the new Coronavirus (2019-nCoV)”, 14 February 2020.
- Letter from the Minister of Public Health to the Minister of Foreign Affairs, Cooperation and African Integration, “Measures of self-isolation in the framework of the fight against Coronavirus (Covid-19)”, 10 March 2020.
- Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 13 March 2020”, 13 March 2020, available at

⁴⁶ Ministry of Public Service and Administrative Reform, Arête du 27 Mars 2020, 27 March 2020, Art. 1.

⁴⁷ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. I, point 2.

⁴⁸ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. II.1, points 2, 4, 8 and 11–13.

⁴⁹ Ministry of Finances, Tax Directorate-General, Note for the Minister of Finances, 25 March 2020.

⁵⁰ Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, para. II.2.

⁵¹ City of Niamey, Communiqué, 26 March 2020, points 1 and 2.

⁵² City of Niamey, Communiqué, 26 March 2020, point 5.

<https://www.presidence.ne/conseils-des-ministres/2020/3/13/2zy7vaccqgi95qsbwdzdvj227dn80k>.

- Office of the President of the Republic, Communiqué, “Communiqué of the Special Council of Ministers of Tuesday 17 March 2020”, 17 March 2020, available at <https://www.presidence.ne/conseils-des-ministres/2020/3/17/1i763t2b5go80edbk59zqkxofp0vfk>.
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- Ministry of Finances, Tax Directorate-General, Note for the Minister of Finances, 25 March 2020.
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- Office of the President of the Republic, Communiqué, “Communiqué of the Council of Ministers of Friday 27 March 2020”, 28 March 2020, available at <https://www.presidence.ne/conseils-des-ministres/2020/3/28/9xqx5dt47kd1lvxpu5e5jivf0vyxux>.
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- Ministry of Public Service and Administrative Reform, Arête du 27 Mars 2020, 27 March 2020.