



Animal Protection Index (API) 2020

Republic of the Niger: ranking E

Executive summary

The main animal welfare legislation in Niger is the Framework Law relating to Animal Husbandry No. 2004-048. This legislation prohibits the mistreatment of domestic animals and refers to the psychological wellbeing of animals. Decree 98-925 governs the functioning of zoos, which can only operate with a licence. Law 98-07 governs the hunting regime and forbids some of the cruellest forms of hunting, such as hunting using poison or explosives. Since the API was first published in 2014, no major change in Niger's animal welfare legislation has been found.

However, there is room for improvement in many domains related to animal welfare. The country's legislation does not explicitly recognise animal sentience. There is no comprehensive duty of care from animal owners onto their animal, as Law No. 2004-048 only provides basic anti-cruelty provisions. Furthermore, such anti-cruelty provisions are only applicable to domestic animals. There is a lack of legislation surrounding the rearing of various farm animal species. Cruel practices, such as the commercial captive breeding of wild animals and the production of fur are allowed. Furthermore, stray animals can be lawfully culled. There is also a lack of detailed, species-specific legislation with regards to the treatment of wild animals in captivity and animals used for scientific research.

Existing animal protection laws form part of the Rural Code that is monitored and overseen by the National Committee on the Rural Code. However, Law No. 2004-048 does not attribute overall responsibility for animal welfare to a single Ministry or government entity; there is only a reference to the Ministry in charge of animal husbandry.

The Government of Niger is urged to enshrine animal sentience in existing animal protection legislation, define animal welfare in line with the OIE standards, and fully prohibit animal cruelty for all categories of animals recognised as sentient. Further animal welfare provisions will stem from this recognition of sentience. In particular, the Government of Niger is urged to ban the worst forms of confinement for animals reared in farming, and to mandate humane slaughter for all livestock animal species. In addition, the Government of Niger is strongly encouraged to fully ban fur farming, which is inherently cruel and causes pain, distress and suffering to animals. The Government of Niger is urged to outlaw the culling of stray animal populations, and to implement spay-and-neuter campaigns as a tool to control stray animal populations. The Government of Niger is also strongly encouraged to ban the use of all animals for entertainment, in circuses for instance. Overall, the Government of Niger is strongly encouraged to align its current legislation with OIE animal welfare standards. Responsibility for animal welfare should be allocated to a Ministry, and a specific government body should enact and assess the implementation of animal protection legislation. Such a government body should include representatives from animal welfare organisations. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and prohibition of animal suffering

1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	D
<p>Although animal sentience is not formally recognised in legislation. The main animal welfare legislation in Niger is the Framework Law relating to Animal Husbandry No. 2004-048¹ (adopted on 30 June 2004). Article 3 of Law number 2004-048 provides that ‘the mistreatment of animals, whether done publicly or not, is forbidden’. This Article appears as part of a chapter entitled ‘Domestic Animals’, which suggests that the prohibition gives protection only to domestic animals, and the associated enforcement measures are expressly restricted to domestic animals. However, the Act is overall applicable to mammals, birds, fish, bees and reptiles.</p> <p>Article 21 provides that ‘animals must be transported in vehicles that are deemed the best adapted for that purpose and must be taken on a route that is the most direct, considering their psychological characteristics, their well-being, their health and necessary prophylactic measures generally’. This reference to psychological characteristics and well-being shows recognition of some elements of sentience. This Law applies to mammals, birds, fish, bees and reptiles.</p> <p>Analysis</p> <p><i>The acknowledgement of animals’ psychological characteristics in Law 2004-048 and their well-being implies that animals can feel pain and pleasure. It is positive that Law No. 2004-048 has a wide scope of application, which encompasses fish, reptiles and bees. Despite this limited recognition of an element of animal sentience, current provisions in policy and legislation are not sufficient since animal sentience is not formally enshrined in legislation.</i></p> <p><i>Cultural attitudes to animals may present barriers to recognition of animal sentience. However, the Government has engaged with the OIE regarding assessment of animal welfare and is therefore aware of measures that need to be taken to improve animal welfare. There may be scope for the recognition of animal sentience to be incorporated into existing legislation through existing structures. Animal protection legislation is administered as part of the Rural Code, under Decree 97-008/PRN/MAG/EL.² This stipulates that a National Committee is responsible for coordinating the application of the Rural Code and explains in further detail the structures noted in the primary legislation. Recognition and promotion of animal sentience could be delivered through this mechanism.</i></p>	
Enforcement mechanisms	

¹ http://www.hubrural.org/IMG/pdf/niger_loi_cadre_elevage.pdf

² <http://extwprlegs1.fao.org/docs/pdf/ner17036.pdf>



Article 102 of Law number 2004-048 specifies that the transport of animals in a vehicle that does not conform to requirements is punishable as a second-class criminal offence, with imprisonment of 10 to 20 days and/or a fine of between 20,000 and 50,000 CFA. There are no other mechanisms available in law relating to sentence and there are no policy documents or secondary legislation that contribute to the understanding of the provisions that appear in law on the importance of sentence.

Key recommendations

- **Given the extensive body of scientific evidence proving that animals are sentient, the Government of Niger is urged to recognise that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans – are sentient beings and to enshrine this principle into legislation. Recognising animals as sentient will underpin further animal welfare considerations.**

2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Analysis of the legislation

Ranking	E
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Article 3 of Law No. 2004-048 provides that ‘the mistreatment of animals, whether done publicly or not, is forbidden’. Though Law No. 2004-048 is applicable to all mammals, birds, fish, bees and reptiles, this Article 3 appears as part of a chapter titled ‘Domestic Animals’, which suggests that the prohibition gives protection only to domestic animals, and the associated enforcement measures are expressly restricted to domestic animals.

Analysis

It is positive that Law No. 2004-048 prohibits the mistreatment of animals. However, this provision is limited since it does not explicitly define mistreatment – in particular, there is no reference to whether this includes physical and psychological suffering. Furthermore, this prohibition is limited since it is only applicable to ‘domestic’ animals, which is a category not well defined. As such, there is no welfare provision relating to the treatment of wild animals, whether these animals are kept in captivity or living in their natural environment. Moreover, the protection of animals from harm caused by a failure to act is not covered in Law No. 2004-048. There is also no duty of care onto animal owners towards their animals, which would protect their Five Freedoms. Further development is therefore required to expand the scope of current legislation to all categories of animals and to other circumstances causing animal cruelty.

Animal protection legislation is administered as part of the Rural Code, under Decree 97-008/PRN/MAG/EL. This stipulates that a National Committee is responsible for coordinating the application of the Rural Code and explains in further details the structures named in the primary legislation. This includes the ‘creation of texts complimenting the Rural Code’, under Article 10. This



body could therefore lead the development of secondary legislation but there is no evidence of financial resources being committed to this mechanism.

Enforcement mechanisms

Articles 100 to 105 of Law number 2004-048 specify that specific infringements are punishable as a criminal offence. Articles 100 and 101 provide that ‘acts of cruelty or bad treatment, deliberately or otherwise without intention, on domestic animals’ are punishable by imprisonment for 30 days or a fine of 50,000 to 100,000 CFA.

Key recommendations

- The Government of Niger is urged to expand the scope of application of the Law No. 2004-048 on Animal Husbandry to all vertebrates, cephalopods and decapod crustaceans, so that all these animals benefit from the anti-cruelty prohibition contained in the Act. All these animals should also be explicitly defined as sentient in the law.
- The Government of Niger is strongly encouraged to amend Law No. 2004-048 to include a definition of animal welfare, in line with the OIE definition and explicitly promoting the Five Freedoms. Animal owners should have a duty of care onto their animals and should have the responsibility to protect their animals’ Five Freedoms.

Goal 2: Presence of animal welfare legislation

3. There are laws that apply to animals used in farming including rearing, transport and slaughter

Analysis of legislation	
Ranking	G
<p><u>Rearing</u></p> <p>Various articles of Law No. 2004-048 are relevant to animals used in farming. Article 3 provides that the mistreatment of animals, whether carried out in public or not, is forbidden. Articles 25 to 37 relate specifically to livestock, but these provisions are concerned with breeding. There are no provisions specifically addressing the welfare of farm animals from a husbandry perspective.</p> <p><u>Rearing – pigs</u></p> <p>No legislation has been found specifically relating to the rearing of pigs.</p> <p><u>Rearing – broiler chickens</u></p>	



No legislation has been found specifically relating to the rearing of broiler chickens.

Rearing - egg-laying hens

No legislation has been found specifically relating to the rearing of egg-laying hens.

Rearing - dairy cattle and calves

No legislation has been found specifically relating to the rearing of dairy cattle and calves.

Transport

Articles 16 to 20 of Law No. 2004-048 address transport on foot and Articles 21 to 24 relate to transport in vehicles, governing conditions under which live animals are transported, including climate, provision of feed/water, taking a direct route, packing density, and the provision of veterinary care during transport. Article 22 specifies that animals may be tethered 'if it is for the animal's wellbeing'.

Slaughter

Article 4 of Law No. 2004-048 provides that the suffering of animals at slaughter must be kept to a minimum. It is specified that further regulations will be enacted to implement this provision, however, no evidence of such regulations has been found.

Analysis

Welfare provisions with regards to animal transport and slaughter are insufficient. With regards to transport, the legislation does not provide detailed requirements for different species of animal. There is no limitation with regards to the duration of the trip for live transport. With regards to slaughter, no evidence was found of the regulations implementing the general provision stating that the suffering of animals at slaughter must be kept to a minimum.

Beyond the basic legislation in place particularly relating to transport and slaughter, there are no specific standards in place, and there are no specific provisions for the rearing of different farm animal species. Current legislation does not refer to international standards, and there is no secondary provision for compliance.

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Enforcement mechanisms

Articles 100 and 101 of Law number 2004-048 provide that 'acts of cruelty or bad treatment, deliberately or otherwise without intention, on domestic animals', and acts of clandestine slaughter,



are punishable by imprisonment for 30 days or a fine of 50,000 to 100,000 CFA (approximately US\$85 to US\$170).

Article 102 of Law number 2004-048 provides that the transport of animals in a vehicle, which does not conform to requirements, is punishable with imprisonment of 10 to 20 days and/or a fine of between 20,000 and 50,000 CFA (approximately (US\$34 to US\$85).

However, since there is no legislation associated with the rearing of farm animals, there is a lack of enforcement mechanisms for this indicator.

Key recommendations

- **The Government of Niger is urged to enact legislation detailing specific welfare requirements for farm animals during the phases of rearing, transport and slaughter. Such requirements should be legally binding and species-specific. Regular inspections onto farms and slaughter establishments should be carried out with a special focus on animal welfare.**
- **In addition, the Government of Niger is urged to ban the worst forms of confinement for farm animals. In particular, the use of farrowing crates, sow stalls, and cages should be banned. The stocking density of broiler chickens should also be reduced to a maximum of 30 kg/m² or lower. Surgical operations, such as piglet mutilations and beak trimming for egg-laying hens, should not be performed except under anaesthesia and with analgesics.**
- **The Government of Niger is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.³ Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.**
- **Legislation regarding the transport of animals should protect their Five Freedoms. Due to the significant animal welfare concerns associated with long distance transport, the Government of Niger is strongly urged to ban the export of live animals for long distances (i.e. over eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.**

³ [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	E
<p><u>Zoos</u></p> <p>Article 3 of Law number 2004-048 provides that ‘the mistreatment of animals, whether done publicly or not, is forbidden’, but this Article appears as part of a chapter titled ‘Domestic Animals’, and the associated enforcement measures (Articles 100 and 101) are expressly restricted to domestic animals, therefore it appears that this provision does not apply to non-domestic animals which are kept in captivity.</p> <p>Article 39 of Decree 98-295,⁴ which is secondary legislation produced under Law No. 98-07 establishing the Hunting and Conservation Regime,⁵ provides that wild animals can be reared in captivity for purposes of conservation, increasing their numbers, to be used by scientific research institutions or for other permitted purposes. Certain species, listed in Schedule 1 of Article 21 of Law No. 98-07, are not permitted to be kept in captivity. Animals listed in Schedules 2 and 3 of Article 21 can only be kept under licence (Article 40 of the Decree 98-425).</p> <p>Article 49 of Decree 98-295 identifies three types of establishment for keeping wild animals in captivity: ‘ranching’, farming, and zoos. Ranches are owned by the Government but may be operated by others such as dealers or scientific research institutions. Farms are privately owned operations for intensive rearing of wild animals in a controlled environment for the needs of consumers, research and trade. Zoos can be public or private for purposes of cultural display, public education and scientific research. Those keeping animals in zoos or farms are required by Article 50 of Decree 98-295 to ‘respect the lives of animals’. Animals in captivity must be kept securely for their survival, must be vaccinated and undergo periodical veterinary medicals (Article 41 of Decree 98-925). They must be transported securely and in peace (Article 42 of Decree 98-925).</p> <p>Article 50 of Decree 98-925 mandates that zoos or wildlife farm can only operate with a licence, delivered by the Ministry responsible for wildlife. Applicants for a licence must fulfil the following conditions:</p> <ul style="list-style-type: none"> - have the technical and financial aptitude to manage the breeding of wildlife; - commit to respecting the life of animals; - be recognised for their honourability and dignity; - justify their land authority on the breeding site; - take out insurance against damage likely to be caused to a third party by its activity. <p>Other operating conditions for such zoos or wildlife farms will be defined by order of the Minister responsible for wildlife.</p>	

⁴ <http://extwprlegs1.fao.org/docs/pdf/ner80745.pdf>

⁵ <http://extwprlegs1.fao.org/docs/pdf/ner80736.pdf>

Private keeping of wild animals

No legislation has been found specifically relating to the private keeping of wild animals.

Fur farming

No legislation has been found specifically relating to fur farming.

Analysis

It is positive that zoos must be licenced to be able to operate, and that such a licence can only be obtained if the facility 'commit to respect the life of animals'. However, this provision lacks details as to what 'respecting the life of animals' entails. Although there are some limited legal provisions relating to the health of animals kept in captivity, there is no policy in place detailing the welfare standards that must be met for animals kept in captivity. Failure to recognise the animal welfare challenges caused by captive conditions as a distinct issue within animal protection legislation demonstrates a lack of awareness of the potential for suffering of animals in captivity.

Furthermore, it is concerning that the existing legislation legitimises the intensive 'farming' of wild animals for trade purposes. The welfare needs of wild animals cannot be met in intensive captive farming conditions. Decree 98-925 legitimises such exploitation of wild animals to be used for a variety of purposes. It is regrettable that wild animals can be farmed to then be used in research.

In addition, it is regrettable that there is a lack of restriction in legislation in terms of which animals can be kept as companion animals. Furthermore, there is no legislation restricting the inherently cruel practice of fur farming.

Enforcement mechanisms

Violations of Decree 98-925 can incur fines; however, the amount of such fines remains unclear.

Since no legislation has been found on the private keeping of wild animals or on animals used in fur farming, there are no enforcement mechanisms associated to these categories of animals.

Key recommendations

- **The Government of Niger is highly encouraged to produce detailed legislation specifying the conditions under which wild animals may be kept in captivity. Such regulations shall include requirements with regards to housing, feeding, handling and husbandry and should promote the Five Freedoms of all individual animals. The Government of Niger should mandate regular inspections to be carried out at zoos. Results of such inspections should be made publicly available.**
- **The Government of Niger is urged to ban all commercial captive breeding of wildlife, which includes wildlife farming and ranching, as laid out in Decree 98-925. Captive breeding of wild animals should only be allowed in registered zoological facilities, only when it serves**



conservation purposes and the facilities should abide by strict welfare conditions. Efforts should be made to release animals in their natural habitat.

- The Government of Niger is encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.
- The Government of Niger is urged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.

5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	F
<p><u>Care of companion animals</u></p> <p>Article 3 of Law No. 2004-048 provides that the mistreatment of animals, whether done publicly or not, is forbidden, and Articles 100 and 101 make acts of cruelty or ill-treatment of domestic animals, deliberate or otherwise without intention, a punishable offence.</p> <p>There is no specific acknowledgement of animal welfare requirements for companion animals and there are no recommended guidelines for the care of such animals. There are no legislative provisions regarding trade (buying and selling) of companion animals.</p> <p><u>Stray animals</u></p> <p>Article 19 of Law No. 2004-048 states that animals found wandering in the streets must be taken to a public pound where they shall be retrieved by their owner, who will pay the amount necessary to cover the cost of living of his/her animal at the pound. Article 20 outlines that any animal found in the street who is found to be aggressive and dangerous may be killed on the spot, with the authorisation of the veterinary and administrative authority.</p> <p><u>Analysis</u></p> <p><i>Although some of the provisions that appear in the existing legislation are applicable to companion animals, there is no extensive welfare legislations with regards to companion animals. The Five Freedoms of companion animals are not protected in Law No. 2004-048. The legislation does not acknowledge the specific challenges that companion animals may face and the welfare problems that can derive from poor standards of care. Furthermore, there is a lack of legislation surrounding the commercial breeding and sale of companion animals.</i></p>	



In addition, the humane treatments of stray animals is not enshrined in legislation. Article 20 worryingly allows the rapid killing of stray animals found to be aggressive and dangerous.

Animal protection legislation is administered as part of the Rural Code, under Decree 97-008/PRN/MAG/EL. This stipulates that a National Committee is responsible for coordinating the application of the Rural Code and explains in further detail the structures noted in the primary legislation. This includes the creation of texts complimenting the Rural Code, under Article 10. The development of secondary legislation could therefore be led by this body, but there is no evidence that existing legislation allocates any human or financial resources to the development of policy and legislation for the protection of animals in this category.

Enforcement mechanisms

Articles 100 and 101 make acts of cruelty or the bad treatment, deliberately or otherwise without intention, of domestic animals punishable by imprisonment for 30 days or a fine of 50,000 to 100,000 CFA.

However, since no legislation has been found on stray animals, there are no enforcement mechanisms associated with this category of animals.

Key recommendations

- **The Government of Niger is urged to amend Law No.2004-048, which should include a duty of care of animal owners onto their companion animals. The Government should also promote responsible pet ownership, with encouraging adoption over the purchase of commercially bred animals.**
- **The Government of Niger is urged to include within Law No. 2004-048 a requirement for all commercial breeders of companion animals to be licenced. Such a licence should only be issued if breeders comply with animal welfare criteria.**
- **The Government of Niger is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective.**
- **The Government of Niger is encouraged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology. This methodology consists of a full cycle of action, addressing the root causes of conflict between roaming dog and communities. The document is helpful to governments to manage dogs humanely as well as to help communities to live in harmony with dogs.**



6. There are laws that apply to animals used for draught or recreational purposes

Analysis of the legislation	
Ranking	G
<p><u>Animals used for entertainment</u></p> <p>Article 3 of Law number 2004-048 provides that the mistreatment of animals, whether done publicly or not, is forbidden, and Articles 100 and 101 make acts of cruelty or ill-treatment, deliberate or otherwise without intention, of domestic animals a punishable offence. This would therefore cover domestic animals such as horses used for recreational purposes but would not cover any wild animals used for recreational purposes.</p> <p>There is no specific legislation or policy in place to protect the welfare of animals used for recreational purposes. In fact, Article 42 of Law number 2004-048 permits wild animal charmers to practice their profession, stating that this is consistent with certain national cultures.</p> <p><u>Draught animals</u></p> <p>Article 3 of Law number 2004-048 provides that the mistreatment of animals, whether done publicly or not, is forbidden, and Articles 100 and 101 make acts of cruelty or ill-treatment, deliberate or otherwise without intention, of domestic animals a punishable offence. This would therefore cover animals used for draught purposes. Apart from this anti-cruelty provision, there is no legislation specifically addressing the welfare of animals used for draught.</p> <p><u>Analysis</u></p> <p><i>There is no specific legislation or policy in place for animals used for draught or recreational purposes and the anti-cruelty provisions in Law 2004-048 provide only limited protection for these categories of animals. In fact, the prohibition from mistreatment contained in Article 3 of Law No. 2004-048 is only applicable to domestic animals, and therefore does not apply to wild animals used for entertainment. Failure to recognise draught animals and animals used in recreation as distinct issues within animal protection legislation demonstrates a lack of acknowledgement of the welfare issues. Furthermore, the express permission for wild animal charmers legitimises poor welfare practices for these animals used for entertainment and demonstrates that there are cultural barriers to improvement in this area.</i></p>	
Enforcement mechanisms	
<p>There is no specific policy in place for animals used for draught or recreational purposes. In relation to draught animals and any domestic animals used in entertainment, Articles 100 and 101 make acts of cruelty or the bad treatment, deliberately or otherwise without intention, punishable by imprisonment for 30 days or a fine of 50,000 to 100,000 CFA.</p>	

Key recommendations

- The Government of Niger is urged to prohibit the use of animals for entertainment purposes. Such a prohibition should cover circuses, rodeos, animal fights, animal races, rides on wild animals and all other forms of entertainment. Notably, the Government is strongly encouraged to ban the use of all animals in circuses. Phasing out of animals for entertainment purposes could start with a ban on the use of wild animals for such performances.
- The Government of Niger is strongly encouraged to adopt specific legislation to address the welfare of working animals, including working equids, following the requirements of the OIE's animal welfare standards. Working animals must be treated with consideration and must be given adequate shelter, exercise, care, food and water appropriate to their physiological and behavioural needs. Any condition which may impair their welfare must be treated promptly and, if necessary, they must not be worked again until they are fit. They must not be overworked or overloaded, nor must they be forced to work through ill-treatment.

7. There are laws that apply to animals used for scientific research

Analysis of the legislation

Ranking	E
<p>Article 3 of Law number 2004-048 provides that 'the mistreatment of animals, whether done publicly or not, is forbidden', but this Article appears as part of a chapter titled 'Domestic Animals', and the associated enforcement measures (Articles 100 and 101) are expressly restricted to domestic animals, therefore it appears that this provision does not apply to any non-domestic animals which are used for scientific research.</p> <p>Article 5 of Law number 2004-048 states that 'experimentation on animals must be done according to the Regulations in place'. However, it does not appear that further regulations on animals used in experimentation have been made, and it is not clear whether the intention is for such regulations to contain any welfare considerations.</p> <p>The use of animal testing for cosmetic products does not appear to be restricted in legislation.</p> <p>Analysis</p> <p><i>The lack of secondary policy or legislation renders Article 5 of Law number 2004-048 ineffective for making the welfare of this category of animals a priority for animal research practitioners. There appear to be no additional regulations in place. Until measures are in place to ensure that the use of animals in experimentation is highly regulated, animals will suffer when used for experiments. It is regrettable that none of the Three Rs principles - Replacement, Reduction, Refinement - are enshrined in legislation. Furthermore, it is also concerning and against international trends that there is no</i></p>	



legislation restricting the use of animals for cosmetic testing.

Enforcement mechanisms

Articles 100 and 101 make acts of cruelty or the bad treatment, deliberately or otherwise without intention, punishable by imprisonment for 30 days or a fine of 50,000 to 100,000 francs. This provision appears to extend protection to domestic animals used in research. However, there is no legislation linked to the use of wild animals in research, hence no enforcement mechanisms specifically linked to this category of animals.

Key recommendations

- The Government of Niger is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs principles – Replacement, Reduction, Refinement – should be enshrined in legislation.
- The Government of Niger is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must always have full responsibility for animal welfare.
- The Government of Niger is urged to ban the testing of cosmetic products and their ingredients on animals.

8. There are laws that apply to wild animals

Analysis of the legislation

Ranking

D

Article 6 of Law No. 2004-048 specifies that measures must be put in place to ensure 'harmonious equilibrium' between wild fauna and domestic animals, but this provision does not explicitly seek to protect the welfare of wild animals. The import and export of bushmeat is prohibited by Article 45, except by special permit issued by the Director of Wildlife. Terms of exports and imports of live animals and 'trophies' must respect international treaties including CITES.



Article 7 of the Environment Code 1998⁶ recognises that the preservation of wild animal species contributes to sustainable development, which can be interpreted as recognition of the value of wild animals to the country.

Law No. 98-07 establishing the Hunting and Conservation Regime forbids the hunting of wild animals in national parks, nature reserves or sanctuaries (Article 20). Article 21 specifies that wild animals are split across three categories in legislation: species on List I cannot at all be hunted; species on List II are partially protected and can be hunted under various circumstances; species on List III are subject of various regulations, and international cooperation for their conservation may be necessary. Hunting without a licence is prohibited by Article 3 of Law No. 98-07. Under Article 6, licences can be issued for hunting for scientific purposes (specified number and species of animals), for trade in compliance with international agreements, for subsistence and ceremonial purposes on the licence holder's own land, for sport (recreation, trophies or meat) and for safari viewing. Article 8 does make some limited welfare concessions as it prohibits hunting using poison, using explosives, and hunting at night.

The practicalities of implementing Law No. 98-07 are described in Decree 98-295. Article 20 of Decree 98-925 describes the various pieces of information required from the authorities to deliver a hunting permit, such as photographs and the permit authorising the applicant to carry a weapon.

Analysis

Overall, the legislation generally recognises the monetary rather than the conservation or intrinsic value of wild animals. Some limited protection is offered to particular species, specified in Law No. 98-07, since some species cannot be hunted according to Article 21. However, animals are currently regarded as a natural resource. The overall approach is to regulate rather than prohibit hunting and hunting licences are issued for a wide range of purposes, including commercial and sport purposes. Furthermore, the conditions to apply for a hunting permit, as laid out in Article 20 of Decree 98-925 do not include specific knowledge from the applicant of the conservation status of the species, or of the cruellest forms of hunting to be avoided. The possibility exists to lawfully kill a wild animal in an inhumane manner, since only a fraction of the cruellest forms of hunting are prohibited in Article 8 of Law No. 98-07. For instance, dog hunting, bow hunting, trapping and falconry are not prohibited.

Enforcement mechanisms

Article 31 of Law No. 98-07 specifies penalties for breaking the provisions of the Act. A range of penalties are outlined in Articles 34 to 45. Hunting is regulated, though it appears that there is wide scope of justifications for obtaining hunting licences. Anyone found hunting without a licence or outside authorised hours is liable to imprisonment from one month to a year and/or a fine from 20,000 to 500,000 CFA (approximately US\$34 to US\$853). Anyone found hunting within a national park, a nature reserve or in an area of interest without a permit is liable to imprisonment from two months to two years and/or a fine from 40,000 to 1,000,000 CFA (approximately US\$68 to US\$1,706).

Key recommendations

⁶ <http://www.droitafrique.com/upload/doc/niger/Niger-Loi-1998-56-environnement.pdf>



• The Government of Niger is encouraged to ban any form of hunting that does not directly support subsistence i.e. for feeding oneself and one’s family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time to death of animals killed in these hunts. At a minimum, the Government is strongly encouraged to forbid the use of the cruellest hunting methods.

Goal 3: Establishment of supportive government bodies

9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	F
<p>Existing animal protection laws form part of the Rural Code that is monitored and overseen by the National Committee on the Rural Code. Decree 97-008/PRN/MAG/EL establishes in great details the organisation and the functions of the National Committee on the Rural Code. However, it seems that little attention is awarded to developing policy and legislation to improve animal welfare in the country. Article 53 of Law No. 2004-048 refers to the ‘Ministry in charge of animal husbandry’.</p> <p>In relation to wild animals, Niger has been party to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) since 1975. Pursuant to this, the Government has implemented a Management Authority to administer the licencing system under the Convention, the Fauna Management Service, which in the past has been part of the Ministry of Water and Environment.</p> <p>Other relevant government departments include the Department of Farming, the Department of Environment, Urban Health and Sustainable Development, the Department of Water and Sanitation, the Ministry of Agriculture and the Ministry of Fishing.</p> <p>Analysis</p> <p><i>Law No. 2004-048 does not attribute overall responsibility for animal welfare to a single Ministry or government entity; there is only a reference to the Ministry in charge of animal husbandry. Animal protection is not regarded as a distinct issue and is dealt with as part of a much wider package of issues under the Rural Code. Although the existing framework has the potential to develop and implement animal protection policy and legislation, there is at present an absence of policy and/or legislation across most animal categories. Consequently, the framework for promoting animal welfare is currently not effective.</i></p>	



Enforcement mechanisms
Although the National Committee of the Rural Code oversees the implementation of government policy, there are no additional mechanisms to ensure implementation of animal welfare legislation and policy.
Key recommendations
<ul style="list-style-type: none"> • The Government of Niger is urged to assign responsibility for animal welfare to a Ministry. This Ministry should be responsible for enacting animal welfare legislation and for monitoring the implementation of animal welfare standards. • The Government of Niger is strongly encouraged to create a multi-stakeholder committee in order to effectively engage all actors involved in maintaining animals' well-being to find solutions for welfare concerns. This committee would guide the country's policies and strategies on animal welfare, in line with international standards. This committee should include representatives of animal welfare organisations.

Goal 4: Support for international animal welfare standards

10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Analysis of the legislation	
Ranking	E
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.⁷</p> <p>The animal protection system in Niger regulates some of the issues covered by the OIE's animal welfare standards (i.e. slaughter and transport). Law No. 2004-048 sets limitations to the distance animals can be transported for slaughter, necessitates rest times for feeding and watering animals being transported for trade, and requires stocking density to allow adequate ventilation.</p> <p>However, most of the other OIE animal protection standards are not regulated by policy or legislation, including stray dog populations, broiler chicken production and the use of animals in research and education.</p>	

⁷ <http://www.oie.int/infographic/StandardsAW/index.html>



Analysis

The Government has taken some steps towards the production of legislation on animal protection. However, the Government of Niger has not transposed the majority of the OIE's standards into policy or legislation. Government structures exist to enable the OIE's standards to be transposed into policy and legislation and the government's engagement with the OIE presents an opportunity for progress to be made.

Enforcement mechanisms

In relation to those legislative provisions which correspond to the OIE animal welfare standards, there are enforcement mechanisms.

Key recommendations

- The Government of Niger is strongly encouraged to implement the OIE animal welfare standards and principles within policy and legislation.

11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

Analysis of the legislation

The Government of Niger has not pledged in principle support for the Universal Declaration on Animal Welfare (UDAW).

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

Analysis

Support for the UDAW would be a first step into integrating animal protection considerations into different discussion tables, becoming a source of inspiration for decision makers interested in improving animal protection in the country.

Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

Key recommendations

- The Government of Niger is encouraged to pledge in principle support for the UDAW. Support for the UDAW will likely underpin further animal protection measures.



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