

## TITLE II: OF THE RIGHTS AND DUTIES OF THE HUMAN PERSON

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### Article 10

All Nigeriens are born and remain free and equal in rights and in duties. However, the access of certain categories of citizens to electoral mandates, to elective functions and to public employments may be favored by particular measures specified by the law.

### Article 11

The human person is sacred. The State has the absolute obligation to respect it and to protect it.

### Article 12

Each one has the right to life, to health, to physical and moral integrity, to a healthy and sufficient food supply [alimentation], to potable water, to education and instruction in the conditions specified by the law.

The State assures to each one the satisfaction of the essential needs and services as well as a full development [épanouissement].

Each one has the right to freedom and to security within the conditions defined by the law.

### Article 13

Every person has the right to enjoy the best state of physical and moral health.

The State sees to the creation of the proper conditions to assure to all, medical services and medical assistance in the case of illness.

The law determines the modalities for implementing this provision.

### Article 14

No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse [séVICES] or treatments.

Any individual, any agent of the State, who is found guilty [se render coupable] of acts of torture or of cruel, inhuman or degrading abuse or treatments in the exercise of or on the occasion of the exercise of their functions, either on his own initiative or under instructions, will be punished according to the law.

### Article 15

No one is required to execute a manifestly illegal order.

The law determines the order manifestly illegal.

### Article 16

• General guarantee of equality

• Right to life

• Right to reasonable standard of living

• Right to health care

• Prohibition of cruel treatment  
• Prohibition of slavery  
• Prohibition of torture

No citizen may be forced into exile or be subject to deportation.

Enforced exile or deportation of a citizen is considered as a crime against the Nation and punished according to the law.

## Article 17

Each one has the right to the free development of his personality in its material, intellectual, cultural, artistic and religious dimensions, provided that he does not violate the rights of others, or infringe the constitutional order, the law or morality.

## Article 18

No one may be arrested or charged except by virtue of a law that entered into force prior to the acts alleged against him.

## Article 19

The laws and regulations only have retrospective effect so far as they concern the rights and advantages that they may confer to the citizen.

## Article 20

Any person accused of a delinquent act is presumed innocent until their culpability has been legally established in the course of a public process [procès] during which all the guarantees necessary for their free defense have been assured to them.

No one shall be condemned for actions or omissions which, when they were committed, did not constitute an infraction according to the national law. In the same way [de même], more severe penalties than those applicable at the moment the infraction was committed may not be inflicted.

## Article 21

Marriage and family constitute the natural and moral base of the human community. They are placed under the protection of the State.

The State and public collectivities have the duty to see to the physical, mental and moral health of the family, particularly of the mother and of the child.

## Article 22

The State sees to the elimination of all forms of discrimination concerning [à l'égard de] women, young girls and handicapped persons. The public policies in all the domains assure their full development and their participation in the national development.

The State takes, among others, measures to combat the violence done to women and children in public and private life.

It assures to them an equitable representation within the public institutions through the national policy [concerning] gender and the respect for the quotas.

- Reference to art
- Right to development of personality

- Protection from ex post facto laws
- Principle of no punishment without law

- Protection from ex post facto laws

- Right to counsel
- Right to fair trial
- Presumption of innocence in trials
- Right to public trial

- Protection from ex post facto laws
- Principle of no punishment without law

- Right to found a family

- Right to marry

- State support for children

- Equality regardless of gender
- Equality for persons with disabilities

- First chamber representation quotas

## Article 23

Parents have the right and duty to raise, educate and protect their children. Descendants have the right and duty to assist and help the ascendants. Both [les uns comme les autres] are supported in this task by the State and the other public collectivities.

The State and the other public collectivities, through their public policies and their actions, see to the promotion and to the access to a quality, gratuitous and public education.

## Article 24

Youth is protected by the State and the other public collectivities against exploitation and abandonment.

The State sees to the material and intellectual development of youth.

It sees to the promotion of training and of employment of young [people] as well as to their vocational [professionnelle] integration.

## Article 25

The State sees to the elderly through a policy of social protection.

The law establishes the conditions and modalities of this protection.

## Article 26

The State sees to the equality of opportunities [chances] for handicapped persons with a view to their promotion and/or their social reintegration [réinsertion].

## Article 27

The domicile is inviolable. Search, arrest or questioning [interpellation] may only be ordered under the conditions and forms specified by the law.

## Article 28

Any person has a right to property. No one may be deprived of their property except for cause of public utility [and] subject to a fair and prior indemnification.

## Article 29

The secrecy of correspondence and of communications is inviolable. It may only be derogated under the conditions and forms specified by the law, under penalty of sanctions.

## Article 30

Any person has the right to freedom of thought, of opinion, of expression, of conscience, of religion and of worship [culte].

The State guarantees the free exercise of worship and the expression of beliefs [croyances].

- Free education

- Rights of children
- State support for children

- Limits on employment of children

- State support for the elderly

- Equality for persons with disabilities
- State support for the disabled

- Regulation of evidence collection
- Right to privacy

- Protection from expropriation
- Right to own property

- Right to privacy

- Freedom of expression
- Freedom of religion
- Freedom of opinion/thought/conscience

These rights are exercised with respect for public order, for social peace and for national unity.

## Article 31

Any person has the right to be informed and to [have] access to the information held by the public services within the conditions determined by the law.

## Article 32

The State recognizes and guarantees the freedom of movement, the freedoms of association, assembly, procession and manifestation within the conditions defined by the law.

## Article 33

The State recognizes to all citizens the right to work and strives to create the conditions that make the enjoyment of this right effective, and that guarantee to the worker just compensation [rétribution] for his services or for his production.

No one may be the victim of discrimination within the framework [cadre] of his work.

## Article 34

The State recognizes and guarantees the syndical right and the right to strike that are exercised within the conditions specified by the laws and regulations in force.

## Article 35

Any person has the right to a healthy environment. The State has the obligation to protect the environment in the interest of present and future generations.

Each one is required to contribute to the safeguarding and to the improvement of the environment in which he lives.

The acquisition, the storage, the handling and the disposal of toxic wastes or pollutants originating from factories and other industrial or handwork [artisanales] sites, installed on the national territory[,] are regulated by the law.

The transit, importation, storage, landfill, [and] dumping on the national territory of foreign pollutants or toxic wastes, as well as any agreement relating [to it] constitute a crime against the Nation, punished by the law.

The State sees to the evaluation and control of the impacts of any project and program of development on the environment.

## Article 36

The State and the other public collectivities see to the fight against desertification.

## Article 37

The national and international enterprises have the obligation to respect the legislation in force in environmental matters. They are required to protect human health and to contribute to the safeguarding [of it] as well as to the improvement of the environment.

## Article 38

The defense of the Nation and of the territorial integrity of the Republic is a sacred duty for each Nigerien citizen.

Military service is obligatory. The conditions of its accomplishment are determined by the law.

## Article 39

All Nigerien citizens, civil or military, have the absolute obligation to respect, in all circumstances, the Constitution and the juridical order of the Republic, under penalty of the sanctions specified by the law.

## Article 40

All citizens have the duty to work selflessly for the common good, to fulfill their civic and professional obligations and to make their tax [fiscales] contributions.

## Article 41

The Public assets are sacred and inviolable. Every person must respect them and protect them scrupulously. Any act of sabotage, of vandalism, of corruption, of diversion, of squandering, of money laundering or of illicit enrichment is punished [réprimé] by the law.

## Article 42

The State must protect, abroad, the rights and legitimate interests of the Nigerien citizens.

Nationals of other countries benefit in the territory of the Republic of Niger from the same rights and freedoms as Nigerien nationals within the conditions determined by the law.

## Article 43

The State has the duty to assure the translation and diffusion in national languages of the Constitution, as well as of the texts relative to human rights and to the fundamental freedoms.

It guarantees the teaching of the Constitution, of human rights and of civic education at all levels of training.

## Article 44

A National Commission sees to the promotion and to the effectiveness of the rights and of the freedoms consecrated above.

The National Commission for Human Rights [Commission nationale des droits humains] is an independent administrative authority.

The law determines the composition, the organization, the attributions and the functioning of this Commission, in accordance with the international principles in force.

It presents, before the National Assembly, an annual report on human rights.

• Duty to serve in the military

• Duty to obey the constitution

• Duty to pay taxes

• Human rights commission  
• International law

## Article 45

The rights and freedoms mentioned above are exercised within respect for the laws and regulations in force.

# Title III: OF THE EXECUTIVE POWER

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## Section 1: Of The President of the Republic

### Article 46

The President of the Republic is the Head of the State.

He incarnates national unity.

The President of the Republic is above the political parties.

He is the guarantor of the national independence, of the national unity, of the integrity of the territory, of respect for the Constitution, [and] for the international treaties and agreements. He assures the regular functioning of the public powers and the continuity of the State.

### Article 47

The President of the Republic is elected by universal, free, direct, equal and secret suffrage for a mandate of five (5) years, renewable one (1) sole time.

In any case, no one may exercise more than two (2) presidential mandates or extend the mandate for any reason whatsoever.

Nigeriens of the two (2) sexes, of [Nigerien] nationality of origin, at least thirty-five (35) years old the day the dossier is deposited, enjoying their civil and political rights[,] are eligible to the Presidency of the Republic.

No one is eligible to the Presidency of the Republic if he does not enjoy a good state of physical and mental health, as well as of a good morality attested by the competent services.

The organic law specifies the conditions of eligibility, of the presentation of the candidatures, of development of the ballot, of counting [dépouillement] and of proclamation of the results.

The Constitutional Court controls the regularity of these operations and proclaims the definitive results.

### Article 48

The election of the President of the Republic takes place by majority ballot in two (2) rounds.

The convocation of the electors is made by decree taken in the Council of Ministers.

The first round of the ballot with a view to the election of the President of the Republic takes place ninety (90) days, at least and one hundred twenty (120) days, at most, before the expiration of the mandate of the President in office.

The candidate who obtains the absolute majority of the expressed suffrage in the first round is declared elected.