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Executive Summary

Note by the secretariat

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II. Executive Summary

Niger

1. Introduction: Overview of the legal and institutional framework of Niger in the context of implementation of the United Nations Convention against Corruption

The Convention was ratified by the Parliament of Niger through Act No. 2008-26 of 3 July 2008 and signed by the President of the Republic through Letter No. 15/PRN of 22 July 2008. The Convention was published in the Official Gazette through Decree No. 2008-301 of 11 September 2008.

Article 168 of the Constitution of Niger of 25 November 2010 provides that “[t]he President of the Republic shall negotiate and ratify international treaties and agreements”. The Convention has become an integral part of the domestic law of Niger following its ratification by Parliament and entry into force. The Convention ranks high among statutory instruments, just below the Constitution but above other laws. Accordingly, the provisions of the Convention override any contrary provision in domestic law. Niger is also party to the African Union Convention on Preventing and Combating Corruption and the Economic Community of West African States (ECOWAS) Protocol on the Fight against Corruption.

The applicable laws are the provisions against corruption and similar offences contained in the Criminal Code of 1961. In order to apply the provisions of the Convention, a draft order for their integration has been developed and is under consideration for adoption. Also relevant are the provisions of the Code of Criminal Procedure, the Public Procurement Code, Act No. 2004-41 of 8 June 2004 on money-laundering (Money-Laundering Act) and the civil service regulations. Niger is continuing reform efforts, including through bills or legislative amendments aimed at fully implementing the Convention.

Several authorities play a role in the fight against corruption in Niger, primarily the Ministry of Justice and the High Authority against Corruption and Similar Offences (HALCIA). The Directorate-General of Finance, the Directorate-General of State, the Court of Auditors, the Public Procurement Regulatory Agency, the National Financial Information Processing Unit (CENTIF), the Information and Complaints Office and the criminal police assist in the implementation of the Convention. National stakeholders, including civil society and the private sector, are also involved in the fight against corruption.

The anti-corruption authority, HALCIA, established by Decree No. 2011-219/PRN/MJGS of 26 July 2011, is responsible for the following tasks: monitoring and evaluating the government anti-corruption programme; registering, centralizing and acting on any complaints or offences filed with it regarding any practice, deed or act of corruption or similar offences; conducting any studies or investigations, and proposing any legal, administrative or practical measures that are liable to prevent or curb corruption; disseminating and publicizing legislation relating to the fight against corruption; identifying the causes of corruption and proposing to the competent authorities any measures liable to eliminate those causes in all public and semi-public institutions; and accomplishing any other task conferred upon it by the President of the Republic.

Niger is a civil-law jurisdiction with an inquisitorial system of criminal procedure. Prosecutions are carried out by the public prosecution service (state prosecutor) under the direct authority of the Minister of Justice, or by an investigating judge. Victims of an offence may also initiate prosecution by filing a civil action for damages before the investigating judge. The public prosecution service and, in exceptional cases, investigating judges, lead criminal police investigations for that purpose.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Article 132 of the Criminal Code of Niger establishes active bribery as a criminal offence, with reference to “any person” and to donations and gifts. Bribery can be at the initiative of an intermediary. Passive bribery of public officials who solicit offers or promises or receive donations or gifts is a criminal offence under article 130. Advantages for third parties are not covered. The Public Procurement Code also uses the following definition of bribery: “an act whereby a person offers, gives, solicits or accepts, directly or indirectly, any advantage in order to unduly influence the action of another person or entity”. Bribery of foreign public officials and officials of public international organizations is also a criminal offence within the same limits.

Trading in influence is an offence under article 131 of the Criminal Code; however, it refers to donations or gifts and does not cover advantages for third parties. Influence may be real or supposed. Article 130 of the Criminal Code as well as the Public Procurement Code partially establish bribery in the private sector as an offence.

Money-laundering, concealment (arts. 23 and 24)

Niger adopted Act No. 2004-41 of 8 June 2004 on money-laundering (Money-Laundering Act) pursuant to the ECOWAS directive. Article 2 of that Act defines the offence of money-laundering in accordance with the various provisions of article 23, paragraph 1 of the Convention. The scope of application is restricted only to the professions and natural and legal persons named in article 5 of the Act. At the time of the country visit, a bill had been drafted with the aim of amending the Criminal Code to include a money-laundering offence that is not limited to certain professions.

Article 1 of the Act implements paragraph 2, subparagraphs (a) and (b) of article 23 of the Convention by providing that any felony or misdemeanour within the meaning of the Act can constitute a predicate offence, insofar as the offences provided for by the Convention may be effectively criminalized. Underlying offences can have been committed in the territory of a third State.

Article 46 of the Money-Laundering Act provides for the jurisdiction of domestic courts over the offences provided for in the Act committed outside the national territory but in a member State of the West African Economic and Monetary Union. Niger has not yet furnished to the Secretary-General of the United Nations copies of

its relevant laws. The Money-Laundering Act also applies to persons who committed the predicate offence.

Concealment within the meaning of article 24 of the Convention is established as a criminal offence, with broad application, in article 354 of the Criminal Code.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Section IV of the Criminal Code contains offences relating to embezzlement and misappropriation committed by persons responsible for managing public funds. Article 121 establishes as a criminal offence the misappropriation of public or private funds by any public official or public accountant, with penalties commensurate with the amount misappropriated, but it does not specify benefits for third parties.

The provisions in articles 129 and 134-1 of the Criminal Code partially implement the abuse of functions provided for by article 19 of the Convention, being restricted to graft and public procurement.

Niger adopted Order No. 92-024 of 18 June 1992 on the prevention of illicit enrichment. The Order provides that “the misdemeanour of illicit enrichment has been committed when it is established that a person possesses wealth and/or leads a lifestyle that cannot be justified by his or her lawful income”. Illicit enrichment therefore concerns not only public officials but also any other person.

Niger has not established embezzlement in the private sector as a criminal offence.

Obstruction of justice (art. 25)

Articles 217 and 218 of the Criminal Code establish as a criminal offence the bribery of witnesses through the use of promises, offers or gifts, pressure, threats or violence in order to induce false testimony or to interfere in the giving of testimony. The production of evidence is not covered by those provisions. Subparagraph (b) of article 25 is partially implemented in article 236 of the Criminal Code.

Liability of legal persons (art. 26)

Niger has established the criminal liability of legal persons in Act No. 2004-41 of 8 June 2004 on money-laundering (Money-Laundering Act). Article 42 of the Act provides that criminal sanctions incurred by legal persons “on whose behalf or for whose benefit a money-laundering offence or an offence provided for in this Act has been committed by one of its agents or representatives, shall be punished by a fine equal to five times the fines incurred by natural persons, without prejudice to the conviction of those natural persons as perpetrators of or accomplices to the same offences”. Thus, the criminal liability of legal persons does not exclude individual criminal prosecutions of their representatives or accomplices. However, this liability is limited to the offence of money-laundering. With regard to sanctions, article 42 provides for fines, but also several other penalties such as: exclusion from public procurement; confiscation of property used in the commission of the offence or the

proceeds thereof; placing under judicial supervision; ban on engaging in professional or social activity; or even closure.¹

Participation and attempt (art. 27)

Niger has established as a criminal offence participation in offences provided for in the Criminal Code in article 48, which states that accomplices to an offence are liable to the same penalties as the perpetrators of the offence, unless otherwise provided for by law. Article 49 also establishes several forms of participation as an offence, including incitement, instructing, helping and assisting. Article 38 of the Money-Laundering Act provides for criminal sanctions for conspiracy, association and aiding and abetting with a view to the commission of a money-laundering offence. The attempt to commit an offence is established as a criminal offence under article 2 of the Criminal Code and article 3 of the Money-Laundering Act. Niger does not treat the preparation of an offence as a criminal offence.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Niger provides for penalties in the relevant articles of the Criminal Code and the Money-Laundering Act that meet the requirements of article 30, paragraph 1 of the Convention. Those articles provide for prison sentences and fines for individuals as well as fines for legal persons. Under articles 142 and 144 of the Constitution, the Head of State and members of Government enjoy exemption from jurisdiction and partial immunity in connection with their duties. With regard to the exercise of discretionary legal powers, the prosecution service may act on instructions from the Minister of Justice and also on its own authority; however, there is no framework to that effect.

Niger complies with the provisions of paragraphs 4 and 5 of article 30 of the Convention in those provisions of its Code of Criminal Procedure relating to pretrial release and conditional release.

The civil service regulations provide for disciplinary measures applicable to public officials, including dismissal, suspension and transfer. Officials are informed of complaints so that they may defend themselves. In practice, when a public official is prosecuted, a notice of action is transmitted by the Ministry of Justice to the Ministry of the Civil Service and the home department of the official so that any disciplinary measures may be taken. In addition, the Criminal Code, the civil service regulations and the Money-Laundering Act provide for the prohibition of holding public office or holding a position in a public office after conviction. Article 114 of the civil service regulations specifies that breaches covered by the regulations that are grounds for disciplinary measures remain without prejudice to any criminal sanctions incurred. The provisions relating to penal institutions promote the reintegration of convicted persons.

With regard to the implementation of article 37 of the Convention, the Money-Laundering Act contains grounds for exemption and grounds for mitigation of

¹ Development after the country visit: the authorities confirmed that the civil liability of legal persons had been established.

penalties in articles 43 and 44. There are neither provisions for the protection of persons who cooperate nor agreements or arrangements with other States.

Protection of witnesses and reporting persons (arts. 32 and 33)

Niger does not have legislative measures for the protection of witnesses, experts and victims. Consideration of the views and concerns of victims pursuant to paragraph 5 of article 32 of the Convention takes place within the framework of action for damages in criminal proceedings, including through the right to be assisted by counsel. Niger does not have measures for the protection of reporting persons.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

The provisions of article 31 of the Convention are implemented by the Criminal Code and the Money-Laundering Act. Regarding confiscation, subparagraph 2 of article 132 of the Criminal Code provides that “[t]hings or the equivalent value thereof given as a bribe by a person shall never be returned to the said person but shall be confiscated by the Treasury”. Article 41, subparagraph 10, and article 42, subparagraph 2 of the Money-Laundering Act provide for the confiscation penalty for natural and legal persons, and article 45 stipulates mandatory confiscation of proceeds derived from money-laundering. Articles 89 to 92 of the Code of Criminal Procedure and article 36 of the Money-Laundering Act allow searches, seizures and interim protection measures.

The administration of frozen, seized or confiscated property is governed by articles 92 to 95 of the Code of Criminal Procedure, which provides for jurisdiction of the judicial authorities. Paragraphs 4 to 6 of article 31 of the Convention are implemented by the Money-Laundering Act only for offences relating thereto. The production and seizure of documents are provided for in the Code of Criminal Procedure as well as the Money-Laundering Act, which also applies to mutual judicial assistance. Article 45 of the Money-Laundering Act establishes mandatory confiscation of proceeds derived from money-laundering “unless their owner can establish that he or she was unaware of their fraudulent origin”. The rights of bona fide third parties are taken into account in part by article 30 of the Money-Laundering Act.

The lifting of bank secrecy is envisaged in the Money-Laundering Act, but otherwise there are no general provisions to that effect.

Statute of limitations; criminal record (arts. 29 and 41)

Articles 7 and 8 of the Code of Criminal Procedure of Niger establish the rules on statute of limitations. The limitation period is 10 years for felonies, beginning on the day of commission, and if an investigative measure or step in criminal proceedings has been taken, the limitation period runs from the last such action. The limitation period is three years for misdemeanours, under the same conditions.

Articles 706 to 719 of the Code of Criminal Procedure provide for matters regarding criminal record and any judicial authority, including foreign ones, may request an excerpt thereof from the Registry. There is no specific mention of consideration of criminal record in another State.

Jurisdiction (art. 42)

Article 42 of the Code of Criminal Procedure of Niger provides that “[t]he state prosecutor of the place of the offence, that of the place of residence of one of the persons suspected of having participated in the offence, and that of the place of arrest of one of those persons shall have jurisdiction [...]” Territorial jurisdiction in accordance with article 42 (1) (a) and article 42 (2) (b) of the Convention is thus established. However, there is no provision as regards article 42 (1) (b) and partial provisions as regards other grounds of jurisdiction. It is also reported that Niger does not have a consultation framework for investigative or prosecutorial actions with other States.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Niger has provisions in the area of public procurement that are applied by the Public Procurement Regulatory Agency in the event of non-compliance with the rules of procurement. The Directorate-General of State also exercises control over procurement and the performance of public contracts.

Article 35 of the Convention is implemented by articles 80 to 86 of the Code of Criminal Procedure on action for damages in criminal proceedings and its effects. It is stated in article 80 that “[a]ny person who claims to have been harmed by a felony or misdemeanour may file an action for damages in criminal proceedings before the competent investigative judge”.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The criminal police in Niger, who form part of the prosecuting authority, are specialized in combating corruption through detection and law enforcement. The second division of the criminal police is responsible for economic and financial affairs, including corruption and misappropriation of public funds, each division being under the authority of the Police Commissioner. Officers of the criminal police investigate on the basis of inspection reports under the direction of the state prosecutor.

As regards inter-agency cooperation, there are several legislative provisions in the Code of Criminal Procedure and the Money-Laundering Act governing investigations and prosecutions. Under article 29 of the Act, for example, if transactions are likely to constitute an offence of money-laundering, CENTIF shall transmit a report on the facts to the state prosecutor. Several other national authorities, such as the High Authority against Corruption and Similar Offences (HALCIA), the Court of Auditors, the Directorates-General of Finance and of State and the Customs Service prepare reports, investigate possible acts of corruption, and cooperate with the public prosecution service.

The Money-Laundering Act contains the provisions implementing article 39 of the Convention, within the limits of the offences covered by the Act and for the natural and legal persons referred to in article 5 of the Convention. In addition, for the implementation of paragraph 2 of the same article of the Convention, Niger has set up the Information and Verification Office at the Ministry of Justice, where citizens may anonymously report possible acts of corruption.

2.2. Successes and good practices

In general, Niger has undertaken substantial efforts of reform aimed at implementing the provisions of the Convention. The drafting of a bill containing relevant amendments to the Criminal Code on combating corruption is particularly noteworthy. This bill was submitted during the country review and has proved to be in full compliance with the Convention. Its adoption will provide a response to the comments made below concerning challenges in implementation.

Furthermore, the establishment of HALCIA and the Information and Verification Office of the Ministry of Justice have been highlighted, as well as preventative and awareness-raising initiatives on the scourge of corruption. Effective inter-agency coordination and cooperation at a national level has also enabled the various authorities involved in the fight against corruption to define their roles and actions more clearly.

2.3. Challenges in implementation

The following reforms will help to strengthen existing anti-corruption measures:

- Adopt legislative measures to ensure that the offence of bribery of national public officials covers the concept of undue advantage as well as the benefit of another person or entity (art. 15);
- Establish as a criminal offence the active bribery of foreign public officials and officials of public international organizations for the same concepts and consider establishing passive bribery of such officials as a criminal offence (art. 16);
- Extend embezzlement and misappropriation of property as offences to all public officials and to the illicit use of such property, as well as for the benefit of a third party (art. 17);
- Consider complementing the offence of trading in influence with the concept of undue advantage and benefit for a third party (art. 18);
- Consider expanding the scope of application for the abuse of functions (art. 19);
- Consider adopting the necessary legislative measures to establish bribery in the private sector as a criminal offence (art. 21);
- Consider establishing the embezzlement of property in the private sector as a criminal offence (art. 22);
- Broaden the scope of application of the Money-Laundering Act (art. 23);²
- Furnish a copy of the legislation on money-laundering to the Secretary-General of the United Nations (art. 23);
- Add the elements of production of evidence and intimidation to the offence of obstructing justice (art. 25);

² Development after the country visit: the authorities confirmed that the scope of application had been broadened.

- Extend the liability of legal persons and corresponding sanctions beyond money-laundering (art. 26);
- Consider establishing preparation for corruption offences as a criminal offence (art. 27, para. 3);
- Continue to clarify the framework conditions for the exercise of discretionary legal powers in relation to prosecution (art. 30, para. 3);
- Adopt adequate measures to permit confiscation for corruption offences and expand the scope of application of these measures beyond money-laundering; specify the competent authority for the administration of property (art. 31);
- Adopt appropriate measures to provide witnesses, experts and victims with effective protection (art. 32);
- Consider adopting the necessary measures to provide protection against any unjustified treatment for any person who reports corruption offences (art. 33);
- Extend beyond money-laundering the measures to encourage persons who participate or have participated in the commission of a corruption offence to supply information useful to competent authorities; consider entering into agreements with other States in this regard (art. 37);
- Take measures to lift bank secrecy for corruption offences (art. 40);
- Establish the jurisdiction of Niger in relation to corruption offences (art. 42, para. 1(b), paras. 2 to 5).³

2.4. Technical assistance needs identified to improve implementation of the Convention

Niger reports technical assistance needs with regard to drafting an action plan for the implementation of the Convention, on-site assistance by an anti-corruption expert, and good practices and lessons learned for several provisions of the Convention.

The provisions involved relate to: criminal offences; the liability of legal persons; freezing, seizure and confiscation measures; the protection of witnesses, experts, victims and reporting persons; consequences of acts of corruption; cooperation with law enforcement authorities; cooperation between national authorities and the private sector; and jurisdiction.

In relation to article 36, the needs identified for strengthening the criminal police are: a finance specialist; staff training; bureaucratic resources; and assistance with collecting evidence.

³ Development after the country visit: the authorities reported that a new bill introducing a reform of the Code of Criminal Procedure relating to the jurisdiction of the Niger courts over offences committed outside the territory of the Republic of Niger takes this observation into account.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is governed by the 1927 Act and the Money-Laundering Act. Niger reported that the bill containing provisions on international cooperation seeks to align its legal framework with the Convention. Niger has also ratified the Economic Community of West African States (ECOWAS) Convention on Extradition. Furthermore, Niger is a stakeholder in the Regional Judicial Platform of the Sahel countries.

It is specified that Niger does not make extradition conditional on the existence of a treaty but follows the principle of dual criminality. There are no specific provisions implementing paragraphs 2 to 7 of article 44 of the Convention. The conditions of extradition are provided for by the two aforementioned laws and there is no minimum required period. Article 72 of the Money-Laundering Act establishes a simplified procedure that allows the extradition request to be addressed directly to the competent prosecutor of the requested State. Article 19 of the 1927 Act and article 74 of the Money-Laundering Act provide for an accelerated procedure of provisional arrest in urgent circumstances. Niger has no provision implementing paragraphs 11 to 13 of article 44 of the Convention; nevertheless, proceedings may be initiated at the request of the requesting State by direct application of the Convention. The Code of Criminal Procedure guarantees the right to a fair trial at all stages of proceedings. The ECOWAS Convention on Extradition includes several relevant provisions on the grounds for refusal and consultation among States.

Niger has signed agreements on the transfer of convicted persons, for example with Nigeria and Libya, for the enforcement of sentences. Regarding the transfer of criminal proceedings, article 47 of the Money-Laundering Act provides that the prosecution authority of another State of the West African Economic and Monetary Union may request that the competent judicial authority take appropriate measures if that judicial authority considers that proceedings are facing major obstacles.

Mutual legal assistance (art. 46)

The Money-Laundering Act contains the only provisions for mutual legal assistance in the legislation of Niger, supported by relevant provisions at the national level in the Code of Criminal Procedure relating to letters rogatory and expert opinions. The Money-Laundering Act extends the application of such provisions to legal persons. Niger has ratified the African Union Convention on Preventing and Combating Corruption and the ECOWAS Protocol on the Fight against Corruption, both of which contain provisions on mutual legal assistance. Actions constituting mutual legal assistance as referred to in paragraph 3 of article 46 of the Convention are provided for either in the Money-Laundering Act or in the Code of Criminal Procedure. Niger transmits information without prior request within the regional cooperation framework of the Sahel Judicial Platform with confidentiality guarantees contained in bilateral agreements. The provisions of regional instruments of the African Union and ECOWAS apply between the States Parties to those instruments. Niger does not invoke bank secrecy to decline to render assistance to requesting States and reports that it has provided mutual assistance that does not

involve coercive action. Both the Money-Laundering Act and bilateral and regional agreements provide for the appearance in person of detainees.

Article 10 of the 1927 Act does not provide for the express designation of a central authority, the central authority for extradition being the Ministry of Justice. Bilateral agreements on mutual assistance, such as those signed with Algeria and France, establish the transmission of requests through the Ministry of Justice. Although requests are centralized in practice, Niger has not yet notified the Secretary-General to that effect, as required by article 46, paragraph 13 of the Convention. Requests and communications concerning mutual legal assistance must also be sent through diplomatic channels or, in urgent circumstances, through the International Criminal Police Organization (INTERPOL).

Both the Money-Laundering Act and bilateral agreements authorize requests for further information. Niger does not, however, authorize hearings by videoconference. Requests can be kept confidential. Article 55 of the Money-Laundering Act details the grounds for refusing mutual legal assistance, it being specified that the public prosecution service may appeal against the refusal by a court and Niger would communicate immediately to the requesting State the grounds for refusal, for which reasons must be given. Safe conduct for witnesses is provided for in bilateral agreements. Regarding the signing of agreements, Niger is party to the instruments of the African Union and ECOWAS and has entered into several bilateral agreements.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Niger has not adopted specific measures for implementing paragraph 1 of article 48 of the Convention but has entered into direct cooperation agreements with law enforcement bodies of other States, such as the agreement with Nigeria. Niger may also use the provisions of the Convention as a basis for police cooperation. There are no provisions for corruption offences committed using modern technology.

Niger has not adopted any provisions or entered into any agreements on joint investigations. In addition there are no provisions allowing the use of special investigative techniques under article 50 of the Convention.

3.2. Successes and good practices

Through its efforts at the regional level, and in particular with the establishment of the Sahel Judicial Platform, Niger has been able to cooperate effectively with other States in the region and subregion. It is also worth noting the draft bill containing relevant amendments to the Code of Criminal Procedure. This bill was furnished during the country review and has proved to be in full compliance with the Convention. Its adoption will address the observations noted below as challenges in implementation. The authorities have also indicated that national and international cooperation has been intensified following the review of the implementation of the Convention, through transmitting reports on inquiries and investigations, organizing joint missions and obtaining assistance from the authorities of other countries.

3.3. Challenges in implementation

The following reforms will help to strengthen existing anti-corruption measures:

- Adopt the bill intended to supplement the Code of Criminal Procedure with the addition of provisions on international cooperation;
- Adopt the necessary legislative measures to ensure that corruption offences are considered extraditable and consider granting extradition in the absence of dual criminality (art. 44, paras. 1 and 2);
- Expand the existing provisions on extradition applicable to money-laundering to simplify and expedite procedures (art. 44, para. 9);
- Guarantee the rights provided for persons under prosecution (art. 44, paras. 14 and 15);⁴
- Consider entering into agreements or additional arrangements on the transfer of sentenced persons (art. 45);
- In general, adopt legislative measures to broaden and complete the legal framework for mutual legal assistance contained in the Code of Criminal Procedure and the Money-Laundering Act for corruption offences (art. 46, paras. 1 to 3);
- Consider taking the necessary steps to enable the provision of mutual legal assistance in the absence of dual criminality (art. 46, para. 9);
- Notify the Secretary-General of the United Nations of the designated central authority and the language or languages acceptable for mutual legal assistance requests (art. 46, paras. 13 and 14);
- Consider allowing witnesses or experts to be heard by videoconference (art. 46, para. 18);
- Adopt measures regulating the refusal of requests for mutual legal assistance (art. 46, paras. 22, 24-26);⁵
- Clarify that the ordinary costs of executing a request shall be borne by the requested State (art. 46, para. 28);
- Provide copies of documents that are not available to the general public (art. 46, para. 29);
- Take measures to enable cooperation with other States Parties to enhance the effectiveness of law enforcement for corruption offences (art. 48, para. 1);
- Enable cooperation with other States to respond to corruption committed through the use of modern technology (art. 48, para. 3);
- Consider concluding bilateral or multilateral agreements or arrangements to establish joint investigations (art. 49);

⁴ Development after the country visit: the authorities confirmed that, as a result of legislative changes, the rights of any person under prosecution are guaranteed by the Constitution and the Code of Criminal Procedure.

⁵ Development after the country visit: the authorities confirmed that the measures had been adopted.

- Take such measures as may be necessary, within its means, to allow for the use of special investigative techniques and conclude agreements for using such techniques in the context of cooperation at the international level (art. 50).

3.4. Technical assistance needs identified to improve implementation of the Convention

Niger reports the following technical assistance needs as regards extradition and special investigative techniques: development of an action plan for implementation of the Convention; on-site assistance from an anti-corruption expert; and good practices and lessons learned for several provisions of the Convention.

Furthermore, Niger identifies the following needs as regards the transfer of sentenced persons: a model treaty; development of an action plan for implementation of the Convention; capacity-building programme.

With respect to mutual legal assistance and cooperation among law enforcement authorities, Niger reports the following needs: development of an action plan for implementation of the Convention; capacity-building programme.
