



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Niger

1. The Committee considered the combined initial and second periodic report of the Niger (CEDAW/C/NER/1-2) at its 790th and 791st meetings, on 29 May 2007 (see CEDAW/C/SR.790 and 791). The Committee's list of issues and questions is contained in CEDAW/C/NER/Q/2, and the responses by the Niger are contained in CEDAW/C/NER/Q/2/Add.1.

Introduction

2. The Committee commends the State party for its accession to the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its combined initial and second periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that the report was overdue. The Committee notes the quality of the report, which gave a candid overview of the situation of women and the obstacles towards realizing equality between women and men. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in the Niger, and for the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for the Advancement of Women and Protection of Children and which included representatives of a number of different ministries and offices, a member of the National Assembly, a prosecutor from the Court of Appeal of Niamey and a representative of the National Commission for Human Rights and Fundamental Freedoms. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.



4. The Committee notes that reservations have been made by the State party to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention.

Positive aspects

5. The Committee commends the State party for its expressed commitment and political will to eliminate discrimination against women. It welcomes the various legal reforms and policies aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies; reforms to the Penal Code in 2004, including provisions prohibiting female genital mutilation and slavery; the adoption of the national policy for the advancement of women, which addresses social, economic, political, legal and cultural issues; the adoption of the Reproductive Health Act in 2006; and the announcement by the delegation that a national gender policy is being finalized.

6. The Committee welcomes the institutional arrangements put in place by the State party for a better implementation of the Convention, including the establishment of the Ministry for the Advancement of Women and Protection of Children; the designation of Advisers on Gender and Development to the President of the Republic and the Prime Minister; and the creation of the National Institute for Monitoring the Advancement of Women, together with the 8 regional institutes and 36 departmental institutes for monitoring the advancement of women.

7. The Committee congratulates the State party for acceding to the Optional Protocol to the Convention in September 2004 and for accepting the amendment to article 20, paragraph 1, of the Convention in May 2002, concerning the meeting time of the Committee.

Principal areas of concern and recommendations

8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

9. While appreciating the State party's efforts towards implementation of the provisions of the Convention and welcoming the State party's assertion that it is in the process of reviewing, with the aim of removing, its reservations to the Convention, the Committee is concerned about the maintenance of these reservations, which include reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention. The Committee draws the attention of the State party to the fact that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention and notes that the State party has not entered reservations to other human rights treaties, which all contain the principle of equality between women and men and the prohibition of discrimination on the basis of sex.

10. **The Committee urges the State party to expedite its efforts towards the withdrawal, within a concrete time frame, of its reservations to article 2, paragraphs (d) and (f), article 5, paragraph (a), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), of the Convention.**

11. The Committee is concerned that, although the Constitution of the Niger proclaims that all citizens are equal without distinction as to race, gender or religion, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation. The Committee is concerned about the delay in ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

12. **The Committee encourages the State party to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and provisions on the equality of women with men, in line with article 2 (a) of the Convention. The Committee urges the State party to accelerate the process of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.**

13. The Committee is concerned that the provisions of the Convention and the general recommendations of the Committee, as well as the Optional Protocol to the Convention are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves. The Committee is concerned that the Convention has yet to be invoked by women in domestic litigation and applied by the judiciary. The Committee is concerned that women's ability to bring cases of discrimination before the courts is limited by factors, such as poverty, illiteracy, lack of information about their rights and lack of assistance in pursuing their rights.

14. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention and the general recommendations of the Committee, as well as the Optional Protocol to the Convention and to implement training programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention and the Optional Protocol so as to firmly establish in the country a legal culture supportive of gender equality and non-discrimination. The Committee urges the State party to provide legal aid services and recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention. The Committee requests the State party to remove the impediments women, including rural women, may face in gaining access to justice and encourages the State party to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.**

15. While appreciating the various legal reforms that have taken place, including revisions to the Penal Code, the Committee is concerned about continuing legal provisions and regulations that discriminate against women, including the law on nationality, which does not give women of the Niger who marry foreigners the option to transmit their nationality to their spouse; Decree No. 60-S/MFP/T regulating the remuneration and benefits of government officials; and General Civil

Service Regulations that have the effect of denying women access to certain bodies. The Committee is concerned that the drafting of a family code, which began in 1976, has not yet been completed. The Committee is concerned that, although Act No. 62-11, which regulates aspects of personal and family law based on customary rules, has been amended, discriminatory customary laws and practices continue to be applied against women, including in areas of divorce, custody and inheritance. The Committee is further concerned about the adverse impact on women caused by the application of three different sources of law, namely statutory, customary and religious law.

16. The Committee calls upon the State party to give high priority to its law reform process, to amend, without delay and within a clear time frame, discriminatory laws and regulations and to bring them in line with the Convention. It calls upon the State party to increase its efforts to sensitize Government officials, the National Assembly and public opinion regarding the importance of legal reform to achieve women's de jure equality. It encourages the State party to increase support for law reform through partnerships and collaboration with civil society, women's organizations and community and religious leaders. The Committee urges the State party to harmonize statutory, customary and religious law with the provisions of the Convention. The Committee calls on the State party to study the impact of the implementation of Act No. 62-11, as amended, and make further amendments as necessary to ensure that customary law and practices that are harmful to and discriminate against women are discontinued. It urges the speedy elaboration and adoption of the draft family code or similar legislation in line with the Convention.

17. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society. It is further concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, female genital mutilation and repudiation, that discriminate against women, perpetuate violence against women and constitute serious obstacles to women's enjoyment of their human rights.

18. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women, and to promote women's full enjoyment of their human rights. It also urges the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals. It requests the State party to undertake such efforts in collaboration with civil society, women's organizations and community and religious leaders, and to report on measures taken and results achieved in its next periodic report.

19. While welcoming the establishment of the national machinery for the advancement of women, the Ministry for the Advancement of Women and Protection of Children, the Committee is concerned that the national machinery may not have sufficient financial and human resources to effectively carry out its work. The Committee is concerned about insufficient coordination and cooperation

between the Ministry for the Advancement of Women and Protection of Children and other mechanisms, including the National Institute for Monitoring the Advancement of Women and its regional and departmental institutes, the Advisers on Gender and Development to the President of the Republic and the Prime Minister, and the lack of clarity in their respective mandates.

20. The Committee recommends that the State party clearly define the mandates and responsibilities of the different mechanisms charged with promoting gender equality, ensure coordination and cooperation among them and ensure they have sufficient financial and human resources to work effectively for the promotion of gender equality and women's enjoyment of their human rights.

21. While welcoming Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies, the Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood by the State party.

22. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes that are adopted to implement the Convention, and temporary special measures under article 4, paragraph 1, of the Convention, which are aimed at accelerating the achievement of the de facto equality of women, as clarified by the Committee in general recommendation No. 25. It encourages the State party to strengthen the application of temporary special measures to accelerate the achievement of de facto equality between women and men in all sectors.

23. While appreciating the revisions to the Penal Code, including provisions prohibiting female genital mutilation, the Committee is concerned about the prevalence of violence against women in the Niger, including domestic violence, forced and early marriage, sexual abuse of women and female genital mutilation. It is concerned about the lack of data on all forms of violence against women. It is also concerned about the lack of a comprehensive strategy to combat all forms of violence against women.

24. The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation No. 19 in such efforts. Such a comprehensive approach should include prevention efforts, training measures aimed at public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers to enhance their capacity to deal with violence against women in a gender-sensitive way, and measures to ensure effective and gender-sensitive support for victims. The Committee urges the State party to raise public awareness, through media and education programmes, that all forms of violence against women, including domestic violence, are unacceptable. It requests the State party to ensure that perpetrators of violence against women are prosecuted and punished with seriousness and speed and that victims have access to means of redress, protection, safe shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on

the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of those measures, and statistical data and trends in the prevalence of such violence.

25. While appreciating the State party's efforts to combat trafficking in women and girls, including the establishment of an inter-ministerial committee responsible for drafting a national plan to combat trafficking in women and children, the Committee is concerned about occurrences of trafficking in the guise of marriage, trade in women commoners and the practice of slavery, as mentioned in the State party's report. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls.

26. The Committee urges the State party to intensify its efforts to combat trafficking, forced labour and sexual exploitation of women and girls. It urges the State party to adopt necessary legislation and plans of action and develop a comprehensive anti-trafficking strategy. This should include the collection and analysis of data, the prosecution and punishment of traffickers, and measures for the rehabilitation and social integration of women and girls who are victims of trafficking. It recommends that the State party increase its prevention efforts by addressing the root causes of trafficking, including through gender-sensitive poverty reduction strategies and awareness-raising campaigns. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, the persistence of slavery and all forms of slavery — like treatment of women and girls in the Niger and the measures taken to prevent and combat such activities, including their impact.

27. While appreciating Act No. 2000-008, which introduced a quota system for positions reserved for women in decision-making bodies, and noting the increase in the representation of women in the National Assembly and in high-level government positions, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in the National Assembly, Government, diplomatic service and local bodies.

28. The Committee encourages the State party to take sustained measures to accelerate women's full and equal participation in elected and appointed bodies. The Committee encourages the State party to consider increasing the 10 per cent quota, which is currently provided for in Act No. 2000-008. It recommends that the State party establish concrete goals and timetables and implement awareness-raising programmes, including with traditional chiefs, to encourage women to participate in public life. It calls on the State party to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.

29. While acknowledging the efforts by the State party aimed at increasing the enrolment of girls in school, the Committee is concerned about the continuing low school enrolment rates for girls and the even lower enrolment rates for girls in higher education. It is concerned about the high illiteracy rates among women. It is also concerned about persistent stereotypes found in school curricula and textbooks.

30. The Committee urges the State party to raise awareness about the importance of education as a human right and as a basis for the empowerment

of women, and to take steps to overcome traditional attitudes and stereotypes that perpetuate lack of compliance with the provisions of article 10 of the Convention. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. The Committee calls on the State party to make every effort to improve the literacy level of girls and women, including those from rural areas, through the adoption of comprehensive programmes of formal and non-formal education and through adult education and training. It urges the State party to address effectively the obstacles that prevent girls from enrolling in and completing their education, such as early and forced marriage. It requests the State party to revise educational curricula and textbooks to eliminate gender stereotypes. It encourages the State party to strengthen collaboration with civil society and seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.

31. While noting provisions on the right to work in the Constitution of the Niger, the ratification of certain International Labour Organization Conventions and other laws, including the Labour Code, prohibiting discrimination against women in the field of employment, the Committee is concerned about their poor implementation and the lack of an efficient monitoring mechanism. The Committee is concerned about the lack of data on women's participation in the labour force and in the informal sector, especially about their de facto situation. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates and salary, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. The Committee is concerned that some of the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market and perpetuate gender role stereotypes.

32. **The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and in particular to strengthen its labour inspectorate. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from them. It calls on the State party to provide in its next report detailed information, including data disaggregated by sex, and analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time, and about measures taken and their impact on realizing equal opportunities for women in the world of work. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing all barriers women face in the labour market.**

33. While noting the efforts made by the State party to improve women's health, including the adoption of the Reproductive Health Act in 2006, the Committee expresses concern about the precarious situation of women's health, including lack of access by women and girls to adequate health-care services, including family planning, particularly in rural areas, high rates of teenage pregnancy and fistula

problems; high maternal and infant mortality; low rates of contraceptive use; and harmful traditional practices, such as female genital mutilation which may lead to death.

34. The Committee recommends that the State party undertake all necessary measures to improve women's access to health care and health-related services and information, including for women in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning. It also recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. The Committee also recommends the implementation of a comprehensive maternal and infant mortality reduction programme, with time-bound targets, including measures to increase access to obstetric services. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies. The Committee urges the State party to raise awareness about the law prohibiting female genital mutilation and ensure the enforcement of this law. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It requests the State party to take measures to reduce the occurrence of vesico-vaginal fistula and provide medical support to those affected by it. It calls on the State party to put in place a system of data collection so as to strengthen the knowledge base for effective policy development and implementation on all aspects of women's health, including monitoring of impact.

35. The Committee is concerned about the widespread poverty among women. The Committee is especially concerned about the situation of rural women, their lack of information and participation in decision-making processes and their lack of access to health care, social security services, education, justice, clean water, electricity, land and credit facilities. The Committee is concerned about the possible adverse impact of agricultural trade liberalization on women and women's low level of participation in trade negotiations.

36. The Committee urges the State party to pay special attention to the needs of rural women. It urges the State party to ensure that rural women have access to health care, education, justice, adequate housing, clean water, electricity, land and income-generating projects. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies. It also recommends that the State party undertake a study to determine the impact of agricultural trade liberalization agreements on the socio-economic conditions of women and ensure women access to information and participation in trade decision-making. The Committee recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report.

37. The Committee regrets that the report provided insufficient statistical data, disaggregated by sex and ethnicity, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It also

regrets that the report provided insufficient information on the impact and results achieved of legal and policy measures taken.

38. The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and ethnicity, and information on the situation of women with disabilities, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention, in regard to all women. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that measures taken achieve the desired goals and that it inform the Committee about the results of these assessments in its next report.

39. The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

40. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

41. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Niger to consider ratifying the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

42. The Committee requests the wide dissemination in the Niger of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

43. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which is due in November 2008, and its fourth periodic report, which is due in November 2012, in a combined report in 2012.**
