**International Disability Alliance (IDA)**

Down Syndrome International, Inclusion International, International Federation for Spina Bifida and Hydrocephalus, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, African Disability Forum, ASEAN Disability Forum, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

**IDA`S BRIEF SUBMISSION ON THE RIGHTS OF WOMEN AND GIRLS WITH DISABILITIES IN NIGER**

IDA welcomes the possibility to share information with the CEDAW Committee on the situation of women and girls with disabilities in Niger. This brief document seeks to provide basic information on key points to the Committee for its consideration during the State review.

**A) LACK OF DEFINITION OF DISABILITY, DISCRIMINATION ON THE BASIS OF DISABILITY, REASONABLE ACCOMMODATION, AND LACK OF ADOPTION OF A COMPREHENSIVE DISABILITY LEGAL FRAMEWORK**

IDA would like to note that although Article 22 of the [Constitution of 25 November 2010](https://www.constituteproject.org/constitution/Niger_2010.pdf) formally prohibits discrimination against girls, women and persons with disabilities,[[1]](#footnote-1) there is no definition of disability, discrimination on the basis of disability and of reasonable accommodation (applicable to all areas and in line with Article 2 of the CRPD) provided by the national legislation of Niger. Moreover, IDA was also not able to find any anti-discrimination act or disability related act relevant to the protection of the rights of women and girls with disabilities.

IDA encourages the CEDAW Committee to stress this major basic points in the constructive dialogue with the State delegation and in the Concluding Observations, mentioning the need to adopt clear definitions of disability, discrimination on the basis of disability and reasonable accommodation, as well as a disability framework based on the principles enshrined in the CRPD (para. e Preamble and Article 1).

**B) LACK OF A HUMAN RIGHTS BASED APPROACH TO DISABILITY**

IDA would like to stress that Niger did not update its provisions on disability since its ratification of the Convention on the Rights of Persons with Disabilities on 24 June 2008. Persons with disabilities are only referred to in the Constitution (prevention of discrimination, equality of chance and protection),[[2]](#footnote-2) the [Labour Code](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127553.pdf) and labour law,[[3]](#footnote-3) and in [education legislation](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=53718&p_country=NER&p_classification=09).[[4]](#footnote-4) The [1998 law on the orientation of the education system](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=53718&p_country=NER&p_classification=09) is particularly out-dated and promotes a medical model of disability focused on special education and institutionalisation.

In this context, Handicap International reported that “the situation facing persons with disabilities is made worse by wide-spread discrimination and socio-economic inequality”[[5]](#footnote-5) and that persons with disabilities are “excluded from communities and their specific needs are rarely taken into account in development actions.”[[6]](#footnote-6)

IDA highlights that the failure of Niger to implement the human rights based approach to disability prevents due implementation and protection of the rights of women and girls with disabilities. IDA would like to request the CEDAW Committee to promote the human rights based approach to disability in its interactive dialogue with the State delegation, and in its Concluding Observations, as a first key step to duly protect the rights of women and girls with disabilities in Niger.

**C) LACK OF MEASURES ADDRESSING OR TARGETING WOMEN AND GIRLS WITH DISABILITIES**

IDA was not able to find any law or policy specifically addressing the rights of women and girls with disabilities. The only provision mentioning women and girls with disabilities is article 14 of [law no 9812 of 1 June 1998 on the orientation of the education system](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=53718&p_country=NER&p_classification=09),[[7]](#footnote-7) which offers an out-dated approach to disability and does not have a direct impact on women and girls with disabilities.

Niger fails to provide a detailed answer to question 21 of the CEDAW Committee’s List of Issues on “measures taken to prevent discrimination against and provide support to women in disadvantaged and vulnerable situations, including women with disabilities”. The State only refers to “legislation” and to the *Politique Nationale Genre (PNG)* and *Plan d’action décennal 2009-2018*, without providing any information on the specific situation of women and girls with disabilities.

IDA encourage the CEDAW Committee to request additional information on the situation and measures adopted to protect the rights of women and girls with disabilities during its interactive dialogue with the State delegation and adopt strong recommendations to the State on their regard.

**D) LACK OF DATA ON WOMEN AND GIRLS WITH DISABILITIES**

After several attemps, IDA was not able to find recent official disaggregated data on persons with disabilities, and on women and girls with disabilities in particular, in Niger. The collection of disaggregated data is crucial to formulate and implement policies to protect the rights of women and girls with disabilities.

IDA encourages the CEDAW Committee to call for the collection of disaggregated data on the basis of gender and **type of impairment** and the development of related statistical and qualitative analysis on the situation of women and girls with disabilities in Niger.

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IDA highly encourages the CEDAW Committee to explicitly raise these issues during the dialogue with the State delegation of Nigeria and consider to include as appropriate strong recommendations in its Concluding Observations.

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1. Article 22 states: “L'Etat veille à l'élimination de toute forme de discrimination à l'égard de la femme, de la jeune fille et des personnes handicapées. Les politiques publiques dans tous les domaines assurent leur plein épanouissement et leur participation au développement national. (...)” Read the text of the Constitution in its original language, French, [here](http://www.wipo.int/edocs/lexdocs/laws/fr/ne/ne005fr.pdf). There is available online an informal translation to [English](https://www.constituteproject.org/constitution/Niger_2010.pdf). [↑](#footnote-ref-1)
2. *See* articles 22, 26 and 100 of the [Constitution of 25 November 2010](https://www.constituteproject.org/constitution/Niger_2010.pdf). [↑](#footnote-ref-2)
3. Articles 5, 10 et 46 du [Code du travail (loi n°201245 du 25 septembre 2012)](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127553.pdf); Article 21 de l’Ordonnance no 93012 du 2 mars 1993 déterminant les règles minima relatives à la protection sociale des personnes handicapées. [↑](#footnote-ref-3)
4. Article 21 de la [loi n° 9812 du 1er juin 1998 portant orientation du système éducatif nigérien](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=53718&p_country=NER&p_classification=09). [↑](#footnote-ref-4)
5. *See* [Handicap International’s website](http://www.handicap-international.us/niger#dr) devoted to Niger. [↑](#footnote-ref-5)
6. *Id*. [↑](#footnote-ref-6)
7. Article 14 de la [loi n° 9812 du 1er juin 1998 portant orientation du système éducatif nigérien](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=53718&p_country=NER&p_classification=09) : « Le système éducatif a pour objectifs : (…) d'identifier et d'éradiquer les freins socio-économiques et culturels, les handicaps pédagogiques et autres obstacles entravant le plein épanouissement de la fille et de la femme dans le processus d'apprentissage. » [↑](#footnote-ref-7)