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Committee on the Elimination of Discrimination
against Women

**Sixty-seventh session**

3-21 July 2017

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

 List of issues in relation to the combined third and fourth periodic reports of Niger

 General

1. In view of the State party report (CEDAW/C/NER/3-4) covering the period until 2012 only, please provide updated information on all areas of the Convention after 2012.

 Reservation

2. The Committee, in its previous concluding observations, urged the State party to expedite its efforts towards a withdrawal 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 (CEDAW/C/NER/CO/2, para.10). In view of the State party currently maintaining all its reservations to the Convention, including those to articles 2 and 16, reservations to which are contrary to the object and purpose of the Convention, please provide updated information on any steps taken to withdraw the State party’s reservations to the Convention.

 Legislative and institutional framework

3. With reference to paragraph 7 of the State party report[[1]](#footnote-2) (CEDAW/C/NER/3-4), please indicate whether article 22 of the Constitution of 25 November 2010 can be directly invoked in court. In its previous concluding observations, the Committee noted the lack of an 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 (CEDAW/C/NER/CO/2, para.11). Please inform the Committee on any steps taken with a view to adopting comprehensive anti-discrimination legislation that specifically prohibits all forms of discrimination against women, in all fields of life and addressed to State and private actors, in accordance with articles 1 and 2 of the Convention, including direct and indirect discrimination, on all grounds as referred to in general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. Furthermore, please inform on any steps taken to prohibit discrimination based on sexual orientation and gender identity. Please also inform on the efforts made towards adoption of the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

4. It is indicated in paragraph 9 that the State party’s legislation still contains the discriminatory provisions against women, which were described in the State party’s previous report (CEDAW/C/NER/1-2), which is mainly due to sociocultural constraints, and paragraph 13 indicates that the reservation to article 2 (f) remains in place due to sociocultural constrains. Please provide updated information on the State party’s efforts to abolish discriminatory provisions against women in the State party’s legislation and to harmonize statutory, customary and Islamic law with the provisions of the Convention. Please also inform on any measures taken to raise awareness among the public at large and traditional and religious leaders on gender equality and the Convention and on the importance of an equal status in legislation between men and women to achieve gender equality. Furthermore, please inform the Committee on any efforts made to ensure equal rights to land in practice for women. With reference to paragraphs 156 and 157, please indicate whether the State party is envisaging any legal amendments to ensure that women’s legal capacity is not restricted after entering marriage. With reference to paragraph 14 and 15, please provide updated information on the status of the draft personal status code of 2010 and provide additional information on its content.

 Access to justice

5. With reference to paragraph 153, please indicate the measures taken to (a) inform women about their rights according to the Convention and how to access these and claim rights violations (b) reduce or waive the cost of legal procedures for women who do not have sufficient funds and (c) provide women with access to legal aid, including by allocating the necessary resources to setting up legal aid offices. According to information before the Committee, women do not have the same status as men in customary courts. Please indicate the measures taken to ensure women’s equal legal status in all settings. Furthermore, please provide information on systematic awareness-raising and training activities dedicated specifically to the Convention for relevant professionals, especially law enforcement officials and judges. Please also provide any examples of cases in which the Convention has been invoked before the courts.

 National machinery for the advancement of women

6. In its previous concluding observations, the Committee recommended 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 (CEDAW/C/NER/CO/2, para. 20). Please elaborate on the efforts taken and the measures envisaged to implement these recommendations.

 Temporary special measures

7. Please provide updated information on the establishment of temporary special measures in the State party and provide any specific examples of such measures, their inclusion in national policies and programmes and their concrete implementation, with a view to promoting and accelerating the realization of substantive equality between women and men.

 Harmful practices

8. While the State Party has criminalized Female Genital Mutilation (FGM) in 2003, through the proclamation of Law No. 2003-25, and while FGM has been reduced, FGM, including infibulation, continues to be practiced in some regions. Please elaborate on the efforts made to implement the law criminalizing FGM and provide additional information on awareness-raising and education measures carried out by the State party to eliminate all harmful practices, including child and forced marriage and FGM. In its previous concluding observations (CEDAW/C/NER/CO/2, para 34), the Committee encouraged the State party to devise programmes for alternate sources of income for persons performing female genital mutilation as a means of livelihood. Please provide information on such programmes.

 Stereotypes

9. Please provide information on the implementation and monitoring of existing measures, as well as any other measures taken, including awareness-raising campaigns targeted at the public at large, traditional and religious leaders, and the media to eliminate the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in society and in the family, and indicate any steps taken to promote the sharing of responsibilities between men and women in the family. Please also provide additional information on the Capacity Building Project for Gender Equality (PREG) referred to in paragraph 117, and on the resources allocated to its implementation.

 Gender-based violence against women

10. According to information before the Committee, gender-based violence against women, including sexual violence, as well as corporal punishment of children in the home and alternative care, including of girls, remains at a worryingly high level. Please provide up-to-date data on reports, prosecutions and convictions regarding the crimes of gender-based violence against women, and prevention measures taken. Please inform the Committee on the status of the draft children’s code, which will prohibit corporal punishment. Please indicate the steps taken to explicitly criminalize marital rape. Please also provide updated information on the measures taken to encourage victims of gender-based violence to report violence and to provide them with support, in particular access to psychological, medical and legal assistance, and shelters, including in rural areas. Please inform on training and educational measures in place for law enforcement officers and other relevant professionals assisting women who experience sexual violence, in particular rape, to prevent the stigmatization of victims and avoid stereotypes that may perpetuate violence against women. Furthermore, please provide additional information on the work undertaken by the gender-based violence division within the Directorate for the Promotion on Female Leadership, referred to in paragraph 118.

11. Please indicate the measures taken to eliminate slavery, including wahaya, - “fifth wife”-, constituting a form of sexual and physical slavery. In particular, please indicate the steps taken to (a) increase enforcement of the criminalization of slavery; (b) explicitly criminalize all slavery-like practices; (c) free women and girls who are enslaved, encourage them to report their perpetrators, and provide them with access to redress, rehabilitation and effective access to justice, including free legal aid; (d) provide special training to law enforcement officials, prosecutorial and judicial authorities on anti-slavery legislation and adequate detection of slavery and slavery-like practices which are often hidden; and (e) develop and implement awareness-raising programmes to inform the public at large and traditional and religious leaders about the criminalization of slavery and the harmful effects of slavery. Furthermore, please provide data on prosecutions and convictions of perpetrators of slavery.

 Trafficking and exploitation of prostitution

12. According to information before the Committee, the State party constitutes a country of origin, transit and destination for trafficking in human beings, in particular women and girls, for purposes of sexual exploitation. Please provide detailed information on the efforts made to prevent and punish perpetrators. Reference is made, in paragraph 116, to Ordinance No. 2010-086 of 16 December 2010 on the fight against trafficking in persons, and it is indicated that specific enforcement bodies have been established for its implementation. Please provide additional information on these specific enforcement bodies, including the resources allocated to these and please provide data on investigations, prosecutions and convictions in the context of trafficking, including trafficking in the guise of marriage. In this context, please also inform on the measures taken to tackle impunity enjoyed by many traffickers, inter alia owing to corruption of authorities and collusion by authorities with traffickers. Please also indicate the steps taken to train relevant professionals on victim identification and clarify whether a referral mechanism is in place for victims of trafficking. According to information before the Committee, shelter and services for victims of trafficking are mainly provided by NGOs and international organizations. Please indicate whether steps have been taken to increase state-funded support for victims of trafficking and to establish shelters, which are adequate for long-term stay. Furthermore, please indicate the measures taken to inform victims of trafficking about their rights, the efforts made to ensure their access to justice and to protect victims who report against retaliation.

13. Please provide data on prostitution in the State party and indicate whether women in prostitution are criminalized, and, if they are, please inform on any steps taken to decriminalize women in prostitution. According to information before the Committee there is a high number of female migrant workers who are unable to cross the State party’s border as they do not have sufficient funds to pay smugglers, and who are forced to resort to prostitution to survive. Please inform on the efforts made to ensure that migrant women, and other women in vulnerable and disadvantaged situations, including internally displaced women, refugee women and women in poverty have access to all essential services with a view to ensuring that they are not forced to resort to prostitution as a survival strategy.

 Participation in political and public life

14. Please provide information on the effective implementation of laws and regulations establishing quotas and indicate whether incentives, sanctions and/or enforcement mechanisms are included to ensure effective enforcement of the provisions of the quota legislation. Please provide examples of when sanctions for failure to implement quotas have been applied. Paragraph 30 refers to the barriers, which hamper women’s participation in political and public life. Please elaborate on the efforts made to address and eliminate these barriers. Please also provide precise information on measures taken to raise awareness of the importance of the participation of women in political and public life. With reference to paragraph 26, please provide additional information on awareness-raising and capacity building to encourage female leadership and the resources allocated to these measures. Please also inform on the resources allocated to the Directorate for the Promotion of female Leadership referred to in paragraph 29. With reference to paragraph 142, please indicate whether the State party is taking any measures to provide access by women to traditional chieftainship positions.

 Education

15. Please provide information on the measures taken to reduce disparities between boys and girls in access to all levels of education, including by improving the retention and the completion rates of girls at all levels of education, mainly in rural areas. Please inform on the status of the draft law to protect girls of school age. Please provide information on measures envisaged to reduce levels of repeating, particularly among girls. Please also indicate the safeguards in place to ensure that girls who are former victims of slavery or descendants of victims of slavery have access to education without discrimination. In view of the information provided in paragraph 44, please indicate the measures taken to raise awareness on the importance of education for girls and on the harmful effects of child marriage and to remove all economic and attitudinal barriers to girls’ access to school. In this context please also: (a) clarify whether Circulaire No 047/MEN/DEST/EX of 15 November 1975 « portant sur les cas de maternité » according to which girls may be excluded from secondary or technical schools when they become pregnant, is still valid and whether Décision No 65/MEN/DEST/EX of 10 July 1978 according to which girls who become pregnant may only terminate education after childbirth if unmarried, is still valid; (b) provide further details on the strategies for behavioural change referred to in paragraph 45; and (c) inform on the status of the reforms referred to in paragraph 46. Furthermore, please indicate whether schools distribute school meals to pupils, which may serve as an incentive for families to send their daughters to school and please also inform the Committee on measures envisaged to provide all schools with adequate sanitary facilities for girls to ensure they do not miss school when they menstruate. Please also indicate the steps taken to include mandatory age-appropriate education on sexual and reproductive health and rights, in school curricula in order to reduce pregnancy-related dropout. Please also elaborate on any steps taken towards establishing mandatory and continuing training on gender-equality for teachers.

 Employment

16. With reference to paragraph 107, please provide information on the professions prohibited to women and inform on any efforts taken with a view to amending this list to ensure that it covers only restrictions necessary for the protection of maternity in the strict sense. With reference to paragraph 110, please provide additional information on the legal and institutional reforms the State party has taken to reduce the barriers women are faced with in the labour market and preventing their entry into the formal labour market. Please also provide information on measures, including temporary special measures adopted or envisaged to accelerate the achievement of substantive gender equality in employment. Please inform on any legal amendments envisaged to ensure that women do not need their husband’s permission to exercise a profession.

 Health

17. In view of the significantly high number of cases of maternal death, please indicate the efforts made to reduce the incidence and eliminate the causes of maternal mortality, in particular to (a) increase access to prenatal and emergency obstetric care, (b) tackle diseases during pregnancy and infections after birth, (c) reduce adolescent pregnancy and (d) increase access to contraception and to legal and safe abortion. Please indicate the steps taken with a view to fully decriminalizing abortion. It has been indicated in paragraph 81 that as part of the global Campaign to End Fistula, activities to prevent and manage obstetric fistula and assist affected women in their socioeconomic reintegration have been continued. Please provide (a) further information on the specific activities taken and (b) updated data on cases of fistula or vesicovaginal fistula after 2012. According to information before the Committee, women, in particular rural women, are faced with several barriers to access health care, such as the requirement of permission to seek treatment, not wanting to go to an examination on their own, not having sufficient money to pay for treatment, the distance to the health care facilities and/or the lack of available transportation. Please indicate the measures taken, including with regard to conducting awareness-raising measures as well as increasing resources allocated to the health sector to eliminate these barriers. In its previous concluding observations (CEDAW/C/NER/CO/2, para 34), the Committee called 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. Please provide information whether such system of data collection has been put in place.

Economic empowerment of women

18. With reference to paragraph 132, please inform on the efforts made to eliminate the discrimination experienced by women with regards to the allocation of social benefits. Please provide data on the number of women who have benefited from the initiatives referred to in paragraph 133. According to information before the Committee, a woman who does not exercise a profession may open a bank account only, if the bank first notifies her husband and that based on this legal requirement, in practice, all financial institutions require a permission by the husband from all married women. Please indicate any steps taken to amend the legislation with a view to ensuring that a woman does under no circumstances need her husband’s permission to open a bank account.

 Rural women

19. In its previous concluding observations, the Committee expressed concerns about the widespread poverty among women, in particular among rural women (CEDAW/C/NER/CO/2, para. 35). Please provide detailed and updated information on the efforts made to (a) increase access by rural women to health care, education, including specific literacy programmes for rural women, justice, adequate housing, clean water, electricity and land; and (b) provide women with easy access to credit and loans. The Committee also recommended that the State party ensure that a gender perspective is included in all poverty reduction plans and strategies (CEDAW/C/NER/CO/2, para. 36). Please provide updated information on measures taken in this regard. With respect to the impact of trade liberalization on rural women, please indicate whether the State party has taken any steps towards conducting a study to determine the impact of agricultural trade liberalization agreements on the socio-economic conditions of women. Please also indicate efforts made to ensure women’s access to information and participation in trade decision-making.

 Internally displaced and refugee women

20. Please provide information on the situation of internally displaced and refugee women and their children. In view of displacement increasing the risk of exposure to gender based violence against women, including sexual violence, please inform the Committee about prevention and protection measures taken. Please also indicate the measures taken to ensure that internally displaced and refugee women have identity documents and access to housing, employment, education, health and other social services in the State party.

 Disadvantaged groups of women

21. Please provide information on measures taken to prevent discrimination against and provide support to women in disadvantaged and vulnerable situations, including women with disabilities, lesbian, bisexual and transsexual women, older women, women affected by HIV/AIDS, women descending from victims of slavery and former victims of slavery, and single mothers.

22. Please inform on the efforts made to improve the conditions of women in detention, reduce pre-trial detention, reduce overcrowding and ensure access to food and drinking water and adequate sanitary conditions. Please also inform on the measures taken to provide training to prison guards on gender sensitive behaviour.

 Marriage and family relations

23. According to information before the Committee the rate of child marriage is particularly high. Please indicate the efforts made to prevent and prohibit child and forced marriage and inform the Committee on any steps taken to set the minimum age of marriage at 18 years of age. Please also clarify whether the State party has enacted a minimum age of consensual sex. Please also inform the Committee on measures taken to abolish polygamy and repudiation. Please elaborate on any steps taken to enact the necessary legal amendments to eliminate discrimination against women in all matters relating to marriage and family relations, including to ensure that women and men have the same rights and responsibilities during marriage, at its dissolution and in all family matters including inheritance, property rights and child custody, Please also inform on specific measures taken to prevent and prohibit property grabbing from widows by their deceased husband’s relatives. In view of the non-adoption of the 1976 draft family code, please inform the Committee whether the State party is envisaging reattempting to adopt a family code.

 Women, peace and security

24. Please inform on the efforts undertaken to protect women from attacks by Boko Haram. According to information before the Committee, some of the State party’s measures in response to the attacks contributed to a negative development of the economy of the Diffa region, leading to important food shortages. Please inform on the efforts made to reduce the negative impact on the State party’s population of measures taken to combat Boko Haram. Please also inform on the efforts made to prevent the forced recruitment of children, including girls, by Boko Haram and to establish reintegration and rehabilitation programmes for these children.

1. Unless otherwise indicated, paragraph numbers refer to the combined seventh to ninth periodic reports of the State party.

 *Note*: The present document is being circulated in English, French and Spanish only. [↑](#footnote-ref-2)