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|  |  | CEDAW/C/NER/CO/3-4 |
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Committee on the Elimination of Discrimination
against Women

 **Concluding observations on the combined third and fourth periodic reports of Niger[[1]](#footnote-2)\***

1. The Committee considered the combined third and fourth periodic reports of Niger (CEDAW/C/NER/3-4) at its 1516th and 1517th meetings, on 13 July 2017 (see CEDAW/C/SR.1516 and 1517). The Committee’s list of issues and questions are contained in CEDAW/C/NER/Q/3-4 and the responses of Niger are contained in CEDAW/C/NER/Q/3-4/Add.1.

 A. Introduction

2. The Committee appreciates the submission of the State party of its combined third and fourth periodic reports. It also appreciates the State party’s written replies to the list of issues and questions raised by its pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by Her Excellency El Back Zeinabou Tari Bako, Minister for the Advancement of Women and Protection of Children,and included representatives of the Ministry for the Advancement of Women and Protection of Children, the Ministry of Justice, the Inter-Ministerial Committee on treaty body reporting, and of the Mission of Niger to the United Nations Office and other international organizations in Geneva.

 B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party’s second periodic report (CEDAW/C/NER/CO/2) in undertaking legislative reforms, in particular the adoption of:

(a) The Constitution of 25 November 2010, enshrining, *inter alia*, equality before the law without distinction on grounds of sex (art. 8), and further pledging to eliminate all forms of discrimination against women, girls and persons with disabilities (art. 22);

(b) Law No. 2014-60 of 5 November 2014 relating to the Nationality Code, allowing women to transfer Nigerien citizenship through marriage and introducing the possibility of dual citizenship;

(c) Law No. 2014-64 of 5 November 2014 amending the Quota Act (No. 2000-008 of 7 June 2000) to raise, from 10 to 15 per cent, the quota for both sexes in elected office;

(d) Act No. 2012-45 of 25 September 2012, amending the Labour Code by, *inter alia*, extending the list of prohibited grounds of discrimination, increasing the penalties for discrimination, and prohibiting sexual harassment in the workplace; and,

(e) Order No. 2010-086/P/CSRD/MJ/DH of 16 December 2010 on combating trafficking in persons, and as updated by Act No. 2015-36 of 26 May 2015 on prohibiting migrant trafficking.

5. The Committee welcomes the State party’s efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as:

(a) The establishment of the National Human Rights Commission through Act No. 2012-44 of 24 August 2012, in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), with the mandate to, inter alia, promote and protect women’s rights;

(b) The establishment of the National Coordinating Committee and the National Agency for Combating Trafficking in Persons by Decrees No. 2012-083/PRN/MJ and No. 2012-082/PRN/MJ, respectively, in 2012;

(c) The creation of the National Agency for Legal and Judicial Assistance, through Law No. 2011-42 of 14 December 2011, to provide legal assistance for persons in situations of vulnerability, including women in specific cases; and,

(d) The adoption of a National Gender Policy (2008) and its National Action Plan (2009-2018).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

 (a) The Convention for the Protection of All Persons from Enforced Disappearance, in 2015;

(b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2014;

(c) The Optional Protocol to the Convention against Torture, in 2014;

(d) The Convention relating to the Status of Stateless Persons, in 2014;

(e) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), in 2012;

(f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2012;

 (g) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2009; and,

(h) The Convention on the Rights of Persons with Disabilities, in 2008.

C. National Assembly

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

 D. Principal areas of concern and recommendations

 Withdrawal of reservations

8. The Committee takes note of the State party’s acceptance during its 2014 Universal Periodic Review (A/HRC/32/5) of the recommendations to review its reservations to article 2 (d) and (f), article 5 (a), article 15 (4) and article 16 (c), (e) and (g) of the Convention and the establishment of a national committee to consider their withdrawal. The Committee is concerned that no timeframe has been set for the completion of this review.

9. **Recalling its statement on reservations, adopted at its nineteenth session, in 1998, the Committee considers that the reservations to articles 2 and 16 are incompatible with the object and purpose of the Convention and that they are therefore impermissible and should be withdrawn. It reiterates that the withdrawal of the reservations, or the narrowing of their scope, is essential for the full implementation of the Convention in the State party and that neither traditional, religious or cultural practices nor incompatible national laws and policies can be invoked to justify reservations to the Convention. The Committee recommends that the State party:**

 **(a) Expedite the review of all its reservations to the Convention, with a view to withdrawing them or narrowing their scope within an established timeframe, in consultation with traditional leaders and women’s civil society groups. In this context, it recommends that the State party take into consideration the experiences of other Muslim countries that have withdrawn reservations to the Convention; and,**

 **(b) Seek and utilize technical support from development partners, as appropriate, in addressing national constraints to the full adoption and implementation of the Convention without reservations.**

 Women peace and security

10. The Committee notes that recent terrorist attacks have resulted in major population displacement with an estimated 242,000 persons comprising asylum seekers, refugees, returnees and internally displaced person in the Diffa region alone. The Committee commends the State party for the adoption of Act No. 2015-36 of 26 May 2015 on prohibiting migrant trafficking, and its open border and reception policy for refugees. It is however concerned that:

(a) No strategic policy or legislative response exists to address the extremely precarious conditions of displaced women and girls in the State party, as particularly aggravated in the Lake Chad region;

(b) Displaced women and girls are at risk of sexual and gender-based violence, as well as early and forced marriage, human trafficking, forced prostitution and abduction by terrorist groups for use in suicide bombings and sexual slavery; and,

(c) No independent mechanism exists with a mandate to investigate all allegations of gender-based violence and other rights violations against women and girls by security forces and terrorist groups.

11. **The Committee recommends, in line with its general recommendations No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness, that the State party:**

 **(a) Expedite the adoption of a policy and legislative framework to guarantee the security of asylum seeker, refugee, returnee and displaced women and girls and ensure their access to food supplies, clean water and sanitation, shelter, health care, and education, and facilitated acquisition of identity documentation;**

 **(b) Collect data on incidents of gender-based violence against women and girls, in particular sexual violence, and incidents of early and forced marriage, human trafficking, forced prostitution and abduction by terrorist groups in the State party;**

 **(c) Establish a specialized mechanism to investigate allegations of human rights violations and acts of violence by security forces and terrorist groups, with particular attention to gender-based violence and other rights violations perpetrated against women and girls, bringing perpetrators to justice and ensuring compensation and rehabilitation for victims; and,**

 **(d) Avail itself of the financial and technical assistance provided by international development partners to ensure the inclusion and participation of women at all stages of the peace-making, stabilization and reconstruction process, in line with UN Security Council resolution 1325 (2000).**

 Constitutional framework and discriminatory laws

12. The Committee welcomes the Constitutional prohibition of discrimination based on sex (art. 8), the State party’s pledge to eliminate all forms of discrimination against women (art 22), and the guarantee that ratified international treaties take precedence over domestic legislation (art. 171). However, it notes with concern:

 (a) The definition of discrimination against women which prohibits direct and indirect discrimination in accordance with article 1 of the Convention, is not being visibly implemented by the State party in practice;

 (b) That Act No. 62-11 of 16 March 1962 and Law No. 2004-50 of 22 July 2004 give precedence to the application of customary law over civil law in most personal status matters, including marriage, divorce, direct descent, inheritance, settlement of assets and wills, and in relation to property ownership, adversely affecting women and girls; and,

 (c) No timeframe is envisaged to repeal discriminatory legislation, including provisions in the Civil Code regulating, *inter alia*, the matrimonial home (art. 108), the status of head of household and paternal power (art. 213 to 216), the legal capacity of a married women (art. 506 to 507), remarriage (art. 228, 296), the exercise of guardianship over children (art. 389 to 396, 405), and the distribution of marital assets (art. 818); and,

 (d) That the draft Personal Status Code (2010) was not adopted due to hostility of certain groups.

13. **With reference to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party accord priority to its law reform process taking into consideration the links between articles 1 and 2 of the Convention and Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, and within a set timeframe to:**

**(a) Reinforce the substantive equality of women in law and in practice by ensuring the application of a definition of discrimination against women that is in line with article 1, covering direct and indirect discrimination in both the public and private spheres, and recognizing intersecting forms of discrimination;**

 **(b) Harmonize statutory and customary laws with the provisions of the Convention and repeal all legislation that is incompatible with the principle of equality of women and men and the prohibition of sex-based discrimination;**

 **(c) Initiate open and inclusive public debates regarding diversity of opinion and interpretation with regard to customary personal laws and practices and, with the participation of women’s civil society organizations, raise awareness among parliamentarians, traditional leaders and the general public on the importance of comprehensive, consistent and coherent legal reform to achieve substantive equality of women and men in view of building consensus for the adoption of a non-discriminatory Personal Status Code; and,**

 **(d) Expedite the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.**

 Access to justice

14. The Committee notes the State party’s declaration of free judicial assistance for all women in select court proceedings, including in family law matters. It further notes the capacity building programmes for judges, lawyers and law enforcement professionals on the Convention but regrets the lack of information on any cases in which the Convention has been invoked before the national courts. The Committee remains concerned about women’s limited access to justice mainly due to:

 (a) Judicial and legal aid services being concentrated in the capital;

 (b) Women’s low awareness of their rights and how to claim them, given the high poverty and illiteracy rates of women in the State party;

 (c) The unavailability of legal assistance for women in customary law courts, where the majority of personal and family matters are decided; and,

 (d) The lack of knowledge and sensitivity regarding women’s rights on the part of State and customary law judges and law enforcement officials.

15. **With reference to its general recommendation No. 33 (2015) on women’s access to justice, the Committee recalls the State party’s obligation to ensure that women’s rights are protected against violations by all components of plural justice systems. In light of its previous recommendation (see CEDAW/C/NER/CO/2, para. 14), it recommends that the State party:**

 **(a) Strengthen the State justice system, including by increasing human, technical and financial resources, and increase the number and reach of judicial services and assistance in both State and customary justice systems, to ensure that women have effective access to justice throughout the territory of the State party;**

 **(b) Enhance women’s awareness of their rights and the means to claim them, including by strengthening cooperation with civil society organizations; and,**

 **(c) Provide capacity-building on the Convention and women’s rights for both State and customary law judges and lawyers, to ensure that State and customary justice systems harmonize their practices with the Convention and to raise awareness and eliminate stereotyping and stigmatization faced by women claiming their rights.**

National machinery for the advancement of women

16. The Committee welcomes the establishment of a National Observatory for the Advancement of Gender Equality, the placement of gender focal points in all Ministries and the creation of a Gender Parliamentary Network.However, it is concerned about the limited financial and human resources, as well as the scarce presence of similar mechanisms at the local level, and the difficulties faced in ensuring effective coordination between these entities and the Ministry for the Advancement of Women and Protection of Children to achieve gender mainstreaming throughout national and local government bodies.

17. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, recommends that the State party:**

 **(a) Allocate the human, technical and financial resources necessary to the Ministry for the Advancement of Women and Protection of Children, the Gender Observatory and the Ministerial gender focal points, as well as similar mechanisms at the local level, to reinforce their mandates to coordinate, monitor and assess the impact of the implementation of public policies and national action plans for the advancement of women; and,**

 **(b) Undertake an impact assessment of the National Gender Action Plan (2009-2018), upon its expiration, to evaluate progress made towards gender equality and develop, in consultation with women’s civil society organisations, a new strategy that clearly defines the competencies of national and local authorities regarding its implementation and that is supported by a comprehensive data collection and monitoring system.**

 Temporary special measures

18. It is concerned that temporary special measures are not sufficiently applied as a necessary strategy to accelerate the achievement of substantive equality between women and men in other areas covered by the Convention, in particular employment, education, health and in relation to rural women.

19. **In line with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

 **(a) Raise awareness among parliamentarians, government officials, employers and the general public about the necessity of temporary special measures;**

 **(b) Set time-bound targets and allocate sufficient resources for the implementation of temporary special measures, such as quotas and other proactive measures, accompanied by legal measures for non-compliance, aimed at achieving the substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged; and,**

 **(c) Take into account recent initiatives in other States in the region to develop and introduce temporary special measures.**

 Stereotypes and harmful practices

20. The Committee recognizes the diversity of cultures and traditions in the State party. It is, however, concerned that insufficient action has been taken by the State party to implement the Committee’s previous recommendation (see CEDAW/C/NER/CO/2, para. 18) to develop a goal-bound national strategy to modify or eliminate discriminatory stereotypes and practices that are harmful to and discriminate against women, as well as to establish monitoring mechanisms to regularly assess progress achieved. The Committee remains concerned in particular that the practice of “wahaya”, characterized as a form of slavery, including sexual slavery, and female genital mutilation persists in the State party. It notes with concern the low number of prosecutions under the Penal Code provisions prohibiting slavery (articles 270.1-2-3) to incriminate perpetrators of wahaya and the low conviction rates for female genital mutilation.

21. **The Committee, in line with Sustainable Development Goal 5.3 calling for the elimination of all harmful practices, such as child, early and forced marriage and female genital mutilation, recommends that the State party:**

 **(a) Specifically criminalize the practice of wahaya, with the same penalties as other forms of slavery;**

 **(b) Ensure that articles 232.1-3 of the Criminal Code prohibiting female genital mutilation are strictly enforced;**

 **(c) Provide training for judges, prosecutor, the police and law enforcement officers on the strict application of these sanctions to ensure that perpetrators and practitioners of these harmful practices are effectively investigated, prosecuted and punished and that victims are provided with assistance and rehabilitation; and,**

 **(d) Develop and allocate sufficient resources for the implementation of a national plan of action to combat harmful practices, providing for strategic media campaigns and educational programmes to raise awareness among traditional and religious leaders, health care and social workers and the general public about the negative impact of the practices on women and girls.**

 Sexual and gender-based violence against women

22. The Committee notes the development of a national strategy to prevent and respond to gender based violence as well as the delegation’s assurance during the constructive dialogue of the planned construction of 140 “Safe Centres” in each region of the State party. It remains concerned, however, that gender-based violence against women and girls, including sexual and domestic violence, appears to be socially legitimized and accompanied by a culture of silence and impunity, and that victims have limited means of assistance, protection or redress. It is further concerned that marital rape is not specifically criminalized and that no definition of statutory rape exists in the State party’s legislation due to the absence of a legal minimum age for sexual consent.

23. **The Committee, recalling its general recommendations No. 35 (2017) on gender-based violence against women and No. 19 (1992) on violence against women, recommends that the State party:**

 **(a) Enact legislation to specifically define and criminalize sexual violence against women, including statutory and marital rape, and strengthen the protection of victims as well as prosecution and punishment of perpetrators;**

 **(b) Ensure that victims are destigmatized and encouraged to report incidents of gender-based violence, including by providing capacity-building programmes for judges, prosecutors, the police, law enforcement personnel, legal practitioners, and traditional leaders, on how to investigate such cases in a gender-sensitive manner;**

 **(c) Ensure that allegations of gender-based violence against women, including domestic violence, are effectively investigated, prosecuted and adequately punished and that victims have access to appropriate redress, including compensation;**

 **(d) Increase the number of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes, as well as legal assistance to victims of gender-based violence; and,**

 **(e) Systematically collect and analyze data on all forms of gender-based violence against women, disaggregated by age, region and the relationship between the victim and the perpetrator, as well as on protection orders, the number of prosecutions and the sentences imposed on perpetrators.**

Trafficking and exploitation of prostitution

24. The Committee welcomes the enhanced legal and institutional framework of the State party to combat human trafficking, including the establishment of the National Coordinating Committee and the National Agency for Combating Trafficking in Persons, respectively, and the associated action plan (2014-2018). The Committee notes with concern that the State party remains a country of origin, transit and destination for human trafficking and that victims are vulnerable to sexual exploitation, forced marriage and forced labour. It notes with concern the low prosecution and conviction rates in cases of trafficking in women and girls and the lack of adequate mechanisms to identify and refer victims of trafficking to appropriate services such as systematic rehabilitation and reintegration, including access to counselling, medical treatment, psychological support and redress, including compensation.

25. **The Committee draws attention to Sustainable Development Goal 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:**

 **(a) Finalize and adopt the draft decrees on the organization, allotment and functioning of special compensation for victims and witnesses of human trafficking, as well as on the creation of a shelter for victims and witnesses;**

 **(b) Investigate, prosecute and adequately punish perpetrators of trafficking in persons, including migrants, and especially women and girls, and related crimes, ensuring that victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection and redress;**

 **(c) Provide continuous mandatory capacity-building for law enforcement officers on the early identification and referral of trafficking victims to appropriate services, assistance and rehabilitation, and nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;**

 **(d) Ensure that victims of trafficking have adequate access to health care and counselling, strengthen the human, technical and financial resources of social work centres, and provide targeted training for social workers dealing with victims of trafficking;**

 **(e) Address the root causes of trafficking and exploitation of women and girls in prostitution by offering educational and alternative income opportunities to women who are at risk of being trafficked or exploited in prostitution as well as exit programmes for women in prostitution; and,**

 **(f) Systematically collect sex-disaggregated data on exploitation of prostitution and trafficking in women and girls, including on the number of investigations, prosecutions, convictions and the sentences imposed on perpetrators.**

Participation in political and public life

26. The Committee welcomes the State party’s efforts in applying special measures with regard to women’s political participation and representation in national government bodies through the Quota Act No. 2000-008 (amended in 2014), raising the quota for both sexes in elected office from 10 to 15 per cent. However, it is concerned about the weak implementation of the Act, women’s low representation in Parliament (16 percent), as regional, municipal and town councilors (12 percent) and the absence of women Governors or Prefects. Despite the Quota Act requiring a minimum of 25% of either sex in high-ranking government posts, the Committee notes that only 19% of Ministers are women and that women are underrepresented in decision-making posts in the public service. It further notes with concern that women are excluded from full participation in traditional political functions.

27. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

 **(a) Effectively enforce the Quota Law, including through the imposition of sanctions in case of non-compliance;**

 **(b) Prioritize the promotion of women’s participation in local government, including as Governors, Prefects, and Mayors, as well as in chieftainship positions, and to that effect repeal discriminatory provisions in Law 2008-22 of 23 June 2008 amending and supplementing Ordinance 93-28 of 30 March 1993 on the status of traditional chieftainship in Niger;**

 **(c) Allocate adequate human, technical and financial resources to the Directorate for the Promotion of Female Leadership to enable it to carry out its mandate, including by implementing a comprehensive strategy to dismantle barriers to the participation of women in decision-making positions, with a particular focus on increasing women’s educational level; and,**

**(d) Raise awareness among politicians, the media, traditional leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention, as well as the political stability and economic development of the country.**

Education

28. The Committee welcomes the declaration of the President of the State party on compulsory education until 16 years of age and the implementation of a national strategy on girls’ education aimed at reaching parity by 2020. It is, however, concerned about:

 (a) The disproportionately low school enrolment rates of girls, particularly those from rural areas (Diffa, Zinder, Tillabéry and Tahoua), nomadic populations, poor families, and girls who are victims of slavery, descendants of slavery, as well as girls with disabilities;

 (b) Girls’ extremely low completion rate and their high repetition rates, particularly at the secondary level of education, owing to, *inter alia*, early and child marriage, early pregnancy, indirect school costs, the requirement to pay school fees at the secondary level, child labour and preference for sending boys to school, resulting in a very low literacy rate (11 percent) among women in the State party; and,

 (c) The poor quality of education due to insufficient investments in school infrastructure, teacher training, transportation to schools, and school feeding programs.

29. **The Committee, taking note of Sustainable Development Goal 4.5, to eliminate gender disparities in education, recommends that the State party:**

 **(a) Dismantle discriminatory stereotypes and other barriers to girls’ access to education by raising awareness, particularly among parents and traditional leaders, of the importance of education for women and girls and on the harmful effects of early and child marriage;**

 **(b) Ensure the re-entry into school of young mothers, including through repeal of Decision No. 65/MEN/DEST/EX of 10 July 1998, which temporarily excludes girls who become pregnant from school and definitively excludes them in case they get married**

**(c) Include mandatory age-appropriate and scientifically accurate education on sexual and reproductive health and rights in school curricula, aimed at both girls and boys, *inter alia,* to reduce pregnancy-related dropout;**

 **(d) Allocate adequate funding to provide free education beyond the first six years of schooling at least until the completion of secondary school, eliminate indirect costs of schooling, improve the quality of teaching and school infrastructures, enhance the provision of school feeding programs and appropriate sanitary facilities for girls; and**

**(e) Further promote women’s and girl’s access to tertiary education through, inter alia, advocacy and provision of scholarships and strengthen adult literacy programmes, especially in rural areas.**

Employment

30. The Committee notes the Constitutional guarantee of non-discrimination in employment (art. 33), as reinforced in the Labour Code (2012). However, it notes with concern that:

(a) Very few women (3 percent in 2012) are employed in the formal sector and covered by social protection, and that women are concentrated in low-paid domestic work, where they are often exploited, exposed to precarious working conditions and subject to abuse by their employers;

(b) The prohibition of sexual harassment in the workplace in the Labour Code is limited to individuals exercising authority and does not include co-workers, and there is limited knowledge about the remedies available to victims; and,

(c) Article 109 of the Labour Code on the protection of maternity may be interpreted in an overly broad manner to prohibit women from exercising certain professions based on discriminatory stereotypes.

31. **The Committee recommends that the State party:**

 **(a) Improve women’s access to the formal labour market through measures, including temporary special measures, in line with article 4(1) of the Convention, and the Committee’s general recommendation No. 25, such as creating incentives for both public and private sector employers to recruit women, introducing flexible work arrangements and strengthening professional training for women;**

 **(b) Ensure the application of social protection schemes to all women, including those working in the informal sector;**

 **(c) Carry out inspections, including when there are reasonable grounds to believe that violations are taking place in private homes, combat exploitative labour practices against women and ensure that perpetrators are appropriately sanctioned;**

 **(d) Amend article 45 of the Labour Code to broaden the definition of sexual harassment and the scope of persons to whom it applies, raising awareness of the remedies available to victims, and amend Article 109 of the Labour Code on maternity to restrict its application to maternity and not to women in general; and,**

 **(e) Ratify or accede to ILO No. 189 (2011) concerning decent work for domestic workers.**

Health

32. The Committee notes the reduction in the maternal, infant and child mortality rates, the introduction of free care for children under five years of age as well as for specific services for women in the State party. However, the Committee is concerned about:

 (a) The inadequate funding of the health-care sector, resulting in limited access to basic health-care services in particular among poor, rural and nomadic women, the lack of cancer prevention programmes, as well as limited sexual and reproductive health care services, information, and modern forms of contraception, including for adolescent girls;

 (b) The extremely high rates of maternal mortality, fertility (7.6 children per woman), early and frequent pregnancy and the resulting incidences of obstetric fistula, and acute malnutrition affecting women;

 (c) The persisting economic and sociocultural causes of women’s poor health in the State party, including early and forced marriage, female genital mutilation, the requirement of the husband’s permission for a woman to seek medical treatment and women’s frequent inability to afford both the cost of the transportation and the treatment; and,

 (d) Criminalization of abortion, subjecting both the women procuring an abortion and any person assisting her to criminal liability (Art. 295-297 of the Penal Code), as well as the barriers to access abortion where it is legal, such as cases where the pregnancy gravely endangers the women’s health, rape or incest.

33. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, draws attention to Sustainable Development Goals 3.1 and 3.7, to reduce the global maternal mortality ratio and to ensure universal access to sexual and reproductive health-care services, recommends that the State party:**

 **(a) Increase the budgetary allocation to women’s basic health care, cancer prevention programmes and sexual and reproductive health-care services, affordable modern forms of contraception and family planning services, in particular as regards poor, rural nomadic women, as well as to adolescent girls;**

 **(b) Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric services by skilled birth attendants, as well as post-abortion care and obstetric fistula services, throughout the territory of the State party, taking into consideration the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2);**

 **(c) Legalize abortion and ensure its legal and practical availability in cases in which the life and/or health of the pregnant woman or girl is at risk and in cases of rape, incest and serious impairment of the fetus, and decriminalize abortion by repealing articles 295-297 of the Penal Code, and ensure unhindered access to safe abortion and to post-abortion care services;**

 **(d) Carry out targeted awareness-raising to combat the negative influence of customary, traditional or religious considerations that may be invoked to limit the autonomy of women and hamper the exercise of their sexual and reproductive health rights; and,**

**(e) Collect data assessing the financial burden on the health care system of treating victims of harmful practices, including female genital mutilation.**

Economic and social benefits

34. The Committee notes the link between the disproportionately high number of women in the State party living in poverty and their restricted access to economic assets and social benefits mainly due to the application of customary law in matters of succession resulting in unequal land inheritance and land grabbing from widows, discriminatory criteria for allocating social benefits and laws restricting the legal capacity of married women, *inter alia*, to access credit and exercise a profession, in contravention of article 8 of the Constitution.

35. **The Committee recommends that the State party prioritize the participation of women in its efforts to meet the targets of the 2030 Agenda for Sustainable Development, and that it:**

**(a) Regulate succession under both the civil and customary law regimes to ensure equality in land acquisition and retention, including through succession, and facilitate women’s access to justice to contest cases of unequal distribution of land;**

**(b) Eliminate discrimination with regard to women’s access to social benefits and pensions, including by amending Act No. 2007-26 on the general conditions of the State public service and determining the criteria for entitlement to and levels of family allowances, benefits and bonuses, as well as Decree No. 60-55/MFP/T, on the remuneration and material benefits allocated to officials in state public administrations and establishments;**

**(c) Repeal the legal provisions restricting married women’s legal capacity, including the requirement to attain the husband’s permission in order to open a bank account or to exercise a profession; and,**

**(d) Raise awareness among parliamentarians, traditional and religious leaders and the general public about the need to promote women’s economic empowerment as a poverty alleviation strategy.**

Rural women

36. The Committee welcomes the initiative “Nigeriens feeding Nigeriens” to support rural women. However, it notes with concern the extremely high rates of poverty (82 percent) and food insecurity affecting women in rural areas of the State party, linked to the lower socio-economic status of women and the disproportionate impact of climate change, desertification, and extractive industries (uranium) on women. It notes that the precarious situation of rural women is exacerbated by customary law provisions on community management, which exclude women from the traditional chieftainship, as well as by discriminatory land acquisition practices.

37. **In the light of its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

**(a) Ensure inclusion of a gender perspective in all rural development policies and plans with the participation of women in the preparation, adoption and implementation of national policies and programmes on food security, climate change, disaster response and risk reduction;**

 **(b) Increase the representation of women in community management, including by encouraging the amendment of the rules on traditional chieftainship;**

 **(c) Facilitate women’s access to the acquisition and retention of land and natural resources by revising the customary practices relating to property ownership, acquisition, management and disposition;**

**(d) Ensure that rural women are not negatively impacted by land acquisition for development projects and by the extractive industry; and,**

 **(e) Systematically collect data on the situation of rural women to effectively develop, implement and monitor initiatives to address the needs of rural women.**

Disadvantaged groups of women

  *Women in detention*

38. The Committee notes with concern that the majority of women in pre-trial detention in the State party are detained in prisons and are not systematically separated from convicted inmates. It is further concerned about women’s poor conditions of detention, including overcrowding and lack of access to food, drinking water and adequate sanitary conditions.

39. **The Committee recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), guarantee the separation of detained women from convicts and ensure their access to adequate nutrition, drinking water, sanitation and health-care.**

*Women with disabilities*

40. The Committee welcomes the Constitutional prohibition of discrimination against persons with disabilities and their equality of opportunities (articles 22 and 26). However, it notes that the rights of women and girls with disabilities are not protected by any specific legislative law, policy or plan of action, including as regards their social protection. The Committee further notes the absence of a legal definition of disability or the obligation to provide reasonable accommodation.

41. **The Committee, recalling its general recommendation No. 18 (1991) on disabled women, recommends that the State party:**

 **(a) Adopt a law on the social protection of persons with disabilities and establish a mechanism to monitor its enforcement, ensuring that perpetrators of discrimination and gender-based violence against women and girls with disabilities are adequately punished and that victims are adequately compensated;**

 **(b) Ensure that women and girls with disabilities have effective access to justice, political and public life, education, income-generating activities and health care, including sexual and reproductive health care services;**

 **(c) Undertake awareness-raising to change negative attitudes towards women and girls with disabilities; and,**

**(d) Carry out a census of the number of persons with disabilities, disaggregated by sex, age and region.**

Marriage and family relations

42. The Committee is concerned about:

 (a) The extremely high rate of early, child and forced marriage in the State party, affecting a quarter of married women and girls, which is compounded by the absence of any legal framework or strategic action to prohibit this harmful practice. The Committee notes the link between the high rates of child marriage, fertility and maternal mortality rates and the disproportionately high illiteracy and poverty rates among women in the State party. It notes that most child marriages are conducted under customary law, which does not require the consent of the future spouses for marriage or a minimum age for marriage;

 (b) The discriminatory provisions in the Civil Code regarding the legal minimum age for marriage for girls (15) and for boys (18) (art. 144) and permitting parents to substitute their consent for marriage of their daughters (art. 148); and,

 (c) The acceptance of polygamy and repudiation under customary law.

43. **The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, as well as joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), recommends that the State party:**

 **(a) Expedite the adoption of legislation raising the minimum legal age of marriage to 18 for both girls and boys and requiring the consent of both future spouses to any marriage;**

 **(b) Repeal all discriminatory provisions in the Civil Code and adopt a non-discriminatory personal status code; and,**

 **(c) Prohibit, including under customary law, the harmful practices of child and forced marriage, polygamy and repudiation and conduct awareness raising campaigns targeting parliamentarians, traditional and religious leaders and the general public on the harmful effects of these practices on women and girls.**

 Data collection and analysis

44. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.**

Beijing Declaration and Platform for Action

45. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

 2030 Agenda for Sustainable Development

46. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

 Dissemination

47. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.**

 Technical Assistance

48. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

 Ratification of other treaties

49. **The Committee also encourages the Government of Niger to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.**

Follow-up to concluding observations

50. **The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 21(a), 23(a) and 23(d) and 29(b) above.**

 Preparation of the next report

51. **The Committee requests the State party to submit its fifth** **periodic report which is due in July 2021. The report should be submitted on time and should cover the entire period up to the time of its submission.**

52. **The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

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1. \* Adopted by the Committee at its sixty-seventh session (3-21 July 2017). [↑](#footnote-ref-2)