



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Eighty-seventh session

Summary record of the 2031st meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 30 January 2024, at 10 a.m.

Chair: Ms. Peláez Narváez

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Fifth periodic report of the Niger

* No summary record was issued for the 2030th meeting.

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Fifth periodic report of the Niger (CEDAW/C/NER/5; CEDAW/C/NER/QPR/5)

1. *At the invitation of the Chair, the delegation of the Niger joined the meeting.*
2. **The Chair**, welcoming the head of delegation and the Permanent Representative of the Niger to the meeting, explained that most members of the delegation would be participating via video link.
3. **Mr. Labo** (Niger) said that the Government placed particular importance on the work of the Committee, since women represented a vital sector of society that could make a significant contribution to national development.
4. **Mr. Daouda** (Niger), introducing his country's fifth periodic report (CEDAW/C/NER/5), which had been drafted with the involvement of civil society, said that the National Council for Protecting the Homeland and the current Government had assumed power in July 2023 with unprecedented support among the population, in a rejection of the previous regime's unjust and corrupt governance. They were committed to respecting human rights, as set out in the international instruments to which the Niger was a party, and aimed not to seize power, but to build a transparent, democratic system that allowed political opponents and human rights defenders to undertake their activities freely.
5. Although the reservations relating to family status filed upon ratification of the Convention remained in place, efforts to reach a consensus on the matter were being redoubled. Women represented slightly more than half the population of the Niger and were active in all areas of socioeconomic and political life. The Government had given effect to the Convention's provisions through improvements to the normative and institutional frameworks governing women's rights and through development plans and policies. Women and girls had benefited, for example, from improved access to education, including initiatives to reduce illiteracy; capacity-building programmes to promote entrepreneurship among women and support them in business; steps to combat violence against women and ensure that victims enjoyed protection and access to justice; improved access to maternal and child health care; the promotion of women's participation in politics; and their increased representation in decision-making forums.
6. Efforts to reduce early pregnancy and the total fertility rate had been successful, with fertility rates falling most significantly in rural areas and among girls aged between 15 and 19. Rates of child marriage, however, remained a cause for concern, with around a quarter of women having been married before the age of 15 and almost two thirds before the age of 18. Nevertheless, the median age at first marriage had risen to 16.6 years as a result of targeted action to address the main sociocultural determinants of fertility, such as improvements to access to education and health-care products and the establishment of a national adolescent health directorate. Gender-based violence was addressed through a national programme to promote women's leadership, a programme for adolescents intended to reduce early marriage and early pregnancy and a communication strategy on violence against women and girls and on harmful practices. A draft Criminal Code, currently in the process of adoption, would address sexual violence, rape, female genital mutilation and sexual harassment and contain specific provisions criminalizing the practice of *wahaya*, in which women and girls were bought as slaves. Notable progress had been made in reducing forced and early marriage, *inter alia* through the adoption of the National Child Protection Policy, the drafting of the National Strategic Plan to End Child Marriage and the introduction of a community-based approach to child protection.
7. Literacy rates stood at 22 per cent among women and 40 per cent among men. Although more than 68 per cent of children in the Niger attended primary school, the Government had not succeeded in addressing the gender, location and wealth disparities that resulted in just 24 per cent of girls from poor rural families completing that stage of education. The National Commission on Human Rights had been disbanded by the current authorities and would be replaced by a national human rights observatory.

8. The people of the Niger enjoyed equal and unrestricted access to the justice system. Women could receive legal assistance from the National Legal and Judicial Assistance Agency, whose local offices had, for instance, provided over 1,400 women and nearly 200 girls with legal and judicial assistance between October 2019 and July 2020. The Government was investing in the recruitment and training of judges. In 2023, 78 of the country's 477 judges had been women, compared with 40 out of 355 judges in 2017.

9. A national action plan on women and peace and security for the period 2017 to 2019, developed in order to implement Security Council resolution 1325 (2000), had been evaluated and updated for the period from 2020 to 2024. The Niger had deployed nearly 1,000 soldiers, over 5 per cent of whom were women, to support United Nations peacekeeping operations, and efforts to increase the number of women in the military were ongoing.

10. A national action plan on gender equality had been drawn up for the period from 2008 to 2018, followed by a second one for the period up to 2022. Gender issues were promoted in a cross-cutting manner across all development sectors under the coordination of the Ministry for the Advancement of Women and Protection of Children.

11. To improve political participation among women, the law had been amended in 2019 to increase the gender quota for elected positions from 15 per cent to 25 per cent and for appointed positions from 25 per cent to 30 per cent. In the 2020 National Assembly elections, women had won 50 of the 166 available seats and had accounted for 55 per cent of voters registered through biometric voter registration.

12. An Act on the smuggling of migrants had been adopted in 2015, but it had recently been repealed, as it had been deemed non-compliant with international standards and citizens' interests. The domestic legislation combating trafficking in persons and slavery was being amended, and a National Day of Mobilization against Trafficking in Persons and Slavery had been established and a National Action Plan to Fight Statelessness in the Niger had been adopted, both by decree, and a procedure for determining statelessness was currently being developed. The Nationality Code had been amended in 2014 to allow women to transfer their nationality to their husbands and again in 2019 to introduce the possibility of dual citizenship.

13. The General Civil Service Regulations and the Labour Code provided for non-discrimination and equality of conditions in access to employment for women. Several policies and programmes promoting employment and equal opportunities for women had been established, as indicated in the periodic report. According to a study carried out by the National Social Security Fund in 2020, out of an estimated working population of 8 million in 2018, fewer than 70,000 people had been covered by the Fund. Ambitious efforts were needed to extend coverage of the pension and social protection systems.

14. Abortion in cases of pregnancy resulting from rape or incest was set to be decriminalized, subject to strict regulation, through the adoption of the draft Criminal Code. Matters relating to inheritance were governed by the Civil Code or customary law, depending on the preference of the interested parties. Gender equality in land inheritance was guaranteed under the civil law, but not under the customary law as practiced in the country. Efforts were thus under way to ensure equal rights for women in land inheritance. Awareness-raising and outreach campaigns were being implemented with a view to eliminating social and cultural obstacles to the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

15. All men and women were equal and had the inalienable right to dignity and respect, regardless of race, colour, gender or religion. The Government strove to promote harmony and understanding among all groups in society, including by encouraging people of different cultural and ethnic groups to mix, ensuring that all groups were represented at all levels, and improving living standards among the population. It remained committed to building a country governed by the rule of law, where everyone could exercise their collective and individual rights in accordance with the humanist values of peace, tolerance, brotherhood and unity. The Government would continue to step up its efforts to eliminate all obstacles to the effective enjoyment of rights by all citizens, including women, without discrimination.

16. **Ms. Akia** said that the delegation's participation in the dialogue demonstrated the Government's commitment and dedication to advancing the rights of women in the Niger. She welcomed the new developments that had taken place since the previous dialogue, including steps taken to amend the Criminal Code to criminalize several discriminatory practices. The current dialogue would give the State party an opportunity to take its commitment to women's rights to the next level.

Articles 1–6

17. **Ms. Ameline** said that she would like to know whether the State party had considered withdrawing its reservations to the Convention. She would appreciate confirmation from the delegation as to whether Ordinance No. 2023-02 on the reorganization of State authorities incorporated all provisions of the suspended Constitution, in particular articles 8, 10 and 22 concerning the State's responsibilities with regard to the promotion of women's rights and protection from all forms of discrimination. Given that women had played a key role in achieving changes to legislation in various areas, she wished to know how the State party ensured that they could continue to participate in the national dialogue, including at the highest levels. She would welcome information on measures taken to reform the justice system to ensure and strengthen universal access to justice. Noting that positive law coexisted alongside customary law in the Niger, she said she was interested to hear about steps taken to harmonize the two systems. After the disbandment of the National Commission on Human Rights, in the absence of a national human rights institution, she wished to know how the Government planned to work with non-governmental organizations and religious leaders to advance women's rights. She was keen to know whether the State party had plans to develop a third national action plan on women and peace and security for the period beyond 2024 and to increase coordination of its efforts to implement the Convention and achieve the Sustainable Development Goals.

18. **Mr. Dauoda** (Niger) said that the Government had been examining its reservations to the Convention over the course of many years with a view to withdrawing them. However, it would take some time to complete that process.

19. Many of the country's laws were rooted in or influenced by Islamic principles. The harmonization of customary and statutory law was thus a sensitive issue and would require a long and ongoing process. Since ratifying the Convention, the State party had been working hard to find a way to give effect to its provisions while avoiding grey areas. It was important to secure the support of the country's population, 99 per cent of whom were Muslim, on the way forward. To that end, several awareness-raising activities had been carried out, including public meetings.

20. There was currently not enough popular support for lifting his country's reservations to the Convention. Women were well represented in the inclusive national dialogue on the legislative agenda. Ordinance 2023-02 reflected the Government's commitment to comply with its obligations under international human rights treaties and the priority that it gave to respecting women's rights. A mechanism for cooperating with human rights bodies had been in place for many years. The promotion of women's rights would continue at the same pace as before.

21. **A representative of the Niger** said that his country had several strategies for achieving Sustainable Development Goal 5 and that enhancing women's empowerment was regarded as a means of eradicating poverty. To that end, microloans were granted to women smallholders and to women who wanted to start a business.

22. **Mr. Daouda** (Niger) said that in order for access to justice for all to become a reality, new courts were being established to bring justice closer to the people and more judges were being trained and appointed. Steps were being taken to ensure that displaced women lacked nothing and that their rights to health and education and access to safe sources of water were protected.

23. **A representative of the Niger** said that a national committee had been set up to consider the lifting of reservations to the Convention.

24. **Mr. Daouda** (Niger) said that his delegation would reply in writing on the matter of women and peace and security.

25. **Ms. Haidar** said that she encouraged the authorities of the Niger to look at the way in which countries which had a similar culture and the same religion had gradually overcome opposition to lifting reservations to the Convention. The Government should demonstrate its commitment in that regard by holding awareness-raising and information campaigns. The Faith for Rights Framework might help to persuade religious leaders that there should be no conflict between religious practices and human rights. A group of countries in the Middle East and North Africa had already made considerable progress lifting reservations.

26. **Ms. Morsy** said that she wished to know how mechanisms protecting women's rights could guide capacity-building to heighten gender awareness, combat gender-based violence against women and girls and guarantee gender-sensitive planning and budgeting. She would like to know whether the gender units in ministries were still functioning. She was curious to know how the delegation saw the future of the National Centre for the Advancement of Gender Equality and the gender focal points in the sectoral ministries. Similarly, she would be grateful for information on the updated national action plan on gender equality and women's empowerment and on the budget allocated to the national machinery for the effective development and advancement of women. The Committee would like to hear the State party's plans to prevent backsliding on women's rights, the women's agenda and the budget allocated to women's empowerment. It would also like to know whether women's needs were taken into account in the national dialogue and whether women were participating in the drafting of the new Constitution. She would appreciate an outline of the State party's plans to re-establish a fully-fledged national human rights institution that was able to discharge its mandate effectively and independently, in accordance with the Paris Principles.

27. **Ms. Eghobamien-Mshelia** said that it would be helpful if the delegation could confirm that the various temporary special measures for accelerating de facto equality in key areas and safeguarding development opportunities for women and girls were still in force and that their implementation was being monitored. She wished to know whether the Government was firmly committed to the effective use of those measures and whether it had therefore issued any guidelines or orders with regard to quotas for women's representation at all levels in government bodies, public corporations and institutions.

28. The Committee would like to find out whether the Government had considered declaring its support for the Elsie Initiative for Women in Peace Operations, to make sure that women in uniform could be rapidly promoted to leadership and decision-making positions, and whether it had examined other measures to redress the gender imbalance in the governance of the country's institutions. The delegation was kindly requested to provide up-to-date information on the number of women and girls in receipt of government scholarships in the capital and elsewhere and to clarify whether female students in both rural and urban areas, especially pregnant girls, teenage wives and mothers, were among the beneficiaries.

29. She wished to know whether the Government might consider the introduction of regulatory policies for private companies in key economic sectors such as mining and prospecting for natural resources, the green economy and digital technology, in order to guarantee their compliance with the Guiding Principles on Business and Human Rights and to protect women's rights and expanded employment opportunities for them in such sectors. It would be of interest to hear what explicit temporary special measures would be adopted to promote the employment and employability of girls and women, and specifically women from rural areas, women with disabilities, women in situations of vulnerability and women affected by climate change and other disasters.

30. **Mr. Daouda** (Niger) said that the merging of the Ministry of Health and the Ministry for the Advancement of Women and Protection of Children had not been a retrograde move, because all the functions of the minister responsible for women's affairs had been transferred to the Ministry of Health. All the technical services and committees of the former Ministry for the Advancement of Women and Protection of Children had been maintained. The law on quotas still applied. There were no obstacles to women holding elective office. The plans to establish a national human rights observatory called for it to be an independent body, fully

capable of playing its role. Texts protecting human rights were still in force. All the policies, programmes and strategies to promote the empowerment of women had been maintained. The decision to suspend the Constitution had no impact on the promotion of women's rights or the rights of vulnerable persons.

31. **A representative of the Niger** said that the Department for the Promotion of Women had implemented a strategy to boost women's economic empowerment by providing assistance to female entrepreneurs and offering entrepreneurial training and support to women in rural areas, including women with disabilities. For example, women could benefit from the provision of kits or multifunctional platforms and microloans, allowing them to undertake income-generating activities and turn agricultural products into marketable goods.

32. **Mr. Daouda** (Niger) said that the temporary special measures set out in the country's periodic report to support and include women were still in place, including measures regarding breastfeeding women, pregnant women, young girls and persons with disabilities. Furthermore, the number of women in senior decision-making positions had increased under the new Government.

33. **A representative of the Niger** said that she wished to reiterate that the State party's efforts to promote and protect women's rights had not been hampered by the political situation in the country and that all the relevant policies, programmes and strategies continued to be monitored and implemented.

34. **A representative of the Niger** said that her country provided a significant number of personnel to United Nations peacekeeping operations, and that over 5 per cent of those personnel were women. The ministries responsible for defence and security had focal points who were working to increase the number of women engaged in the defence and security forces and deployed in United Nations operations.

35. While it was not possible to provide a percentage for the number of girls who received a scholarship, she could confirm that the country practised positive discrimination in order to facilitate girls' access to higher education. The threshold for girls to be granted scholarships was lower than the threshold for boys.

36. **Mr. Daouda** (Niger) said that his country did not discriminate on the basis of gender in employment in the security forces. Moreover, it was taking positive steps to redress any imbalance. Most ministries had a gender focal point that reported to the directorate responsible for overseeing gender mainstreaming.

37. **A representative of the Niger** said that, with a view to reviewing previous processes, a committee had been established within the Cabinet of the Prime Minister to draft a Poverty Reduction Strategy Paper based on five key pillars, including the pillar of citizen participation and social inclusion. The Government was aware of the need to lift the country's reservations to the Convention and intended to work with religious organizations to achieve that goal. For the first time, seven women had been appointed to the post of prefect. The inclusion of women was also being promoted through the preparation of inclusive dialogues by the Government and eight regional committees, all of which had met the gender quota for women's representation. Lastly, the Government had recently opened a science-focused high school which was attended primarily by female students.

38. **Ms. Rana** said that she would like to know what practical financial and administrative measures the State party would take to retain and strongly enforce laws and initiatives that protected women from different forms of gender-based violence and discriminatory stereotypes during the country's period of transition. It would also be of interest to the Committee to hear about the status of the law expressly criminalizing the discriminatory practice of *wahaya* and the measures the State party would introduce to eradicate that practice. She would welcome further information about the State party's plans to effectively implement the communication strategy developed to combat violence against women and girls, the measures and resources earmarked for its implementation and the way in which civil society would be involved.

39. In the light of the State party's intention to update provisions relating to the offences of sexual violence, rape and female genital mutilation in its revised Criminal Code, it would be useful to know when the new provisions would come into force. She also wished to hear

whether the State party intended to adopt any measures to address the cultural aspects of eradication of practices such as female genital mutilation, particularly through education and awareness-raising campaigns. It would be of interest to learn more about the State party's plans to improve access to shelters and rehabilitation services for women and girls and to increase resources for such services.

40. She wondered how the State party intended to sustain its monitoring of how women and girls were portrayed in the media and how it would engage with traditional and religious leaders and civil society to address harmful gender-based stereotypes and gender violence. She would like to know the status of the legal framework on transitional justice to address gender-based violence committed against women in conflict situations and humanitarian contexts, and whether there was a legal or policy framework to provide reparation for victims of conflict-related sexual violence. Lastly, the Committee would be interested to hear whether the numerous national dialogues currently taking place would address the various issues she had raised, particularly with regard to violence against women and women's access to justice. Would the State party involve women, in particular female survivors and human rights defenders, in such national dialogues?

41. **Ms. Leinarte** said that it would be useful to know how the State party's legal framework distinguished between slavery and trafficking in persons, why there was such a difference between the penalties for those offences, what the conviction rate was for all forms of trafficking and how much time offenders typically served in prison. She would be grateful if the delegation could indicate the number of shelters currently available for survivors of trafficking. The Committee would like to know whether the special fund set up to compensate victims was operating effectively and would like to find out the number of victims who had benefited from the fund. The State party should consider defining *wahaya* as a crime rather than a practice in its legal framework.

The meeting rose at 12.05 p.m.