



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
23 July 2007

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-eighth session

Summary record of the 790th meeting

Held at Headquarters, New York, on Tuesday, 29 May 2007, at 3 p.m.

Chairperson: Ms. Šimonović

Contents

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

Combined initial and second periodic report of the Niger (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

07-36202 (E)



The meeting was called to order at 3 p.m.

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

Combined initial and second periodic report of the Niger (continued) (CEDAW/C/NER/1-2, CEDAW/C/NER/Q/Z and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Niger took places at the Committee table.*

Articles 6, 7 and 8

2. **Ms. Ousmane** (Niger) said that the Government had signed the Regional Multilateral Agreement on Trafficking in Children in July 2005 and had established training programmes for border officials on the prevention of trafficking in children.

3. **Mr. Adama** (Niger) said that the country was used for the transit of persons and drugs but was not the source or recipient of those persons. The Government had enacted domestic legislation to prevent the exploitation of and trafficking in persons. In addition, it had ratified the United Nations Convention against Transnational Organized Crime in 2002 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2005. The Ministry of Justice had reminded courts of the provisions in domestic legislation for the prosecution of crimes relating to trafficking in persons, including those committed by a person who was not a citizen of the Niger. Those domestic provisions had yielded positive results. In addition, article 10 of the Constitution guaranteed the full development of the individual and article 19, paragraph 2, protected young people against exploitation and abandonment.

4. **Ms. Abdourhaman** (Niger) said that the Ministry of Social Development, Population, Advancement of Women and Protection of Children was very active in international efforts to address the problem of trafficking in women and children. In addition, a National Commission for Human Rights and Fundamental Freedoms had been established in the Niger.

5. **Ms. Kako** (Niger), referring to article 7, said that all human beings were born equal and free and all citizens had an equal right to invoke the conventions that had been ratified by the Niger.

6. **Mr. Mahamane** (Niger) said that the Government had enacted a law on quotas because of the poor representation of women in elected and appointed posts. The Constitution reaffirmed the equal rights of men and women to employment. It was possible for women to hold positions of authority and 9,000 of the 32,000 civil service officials were women. While his delegation recognized that women's representation should improve, there was no discrimination against women in the civil service. The civil service aimed to employ qualified staff members, regardless of the gender of applicants. Men and women took the same competitive examination for entry into the civil service. With respect to women's role in defining public policy, the Government had embarked on a process of decentralization and had established over 200 local administrations. Women were well represented at that level and therefore played an important role in defining public policy. At the level of the central Government, men and women had the same opportunities and women were able to take part in the formulation of policies.

Article 9

7. **Ms. Coker-Appiah** said that it would be useful to know what plans the Government had to enable foreign husbands who were married to Niger women to acquire the nationality of their wife.

8. **Ms. Saiga** said that it should be clarified whether women were able to apply for passports without the need to seek the husband's consent and whether children born to Niger women with a foreign husband were able to acquire the nationality of the mother.

9. **Ms. Ousmane** (Niger) said that all children born to Niger women could apply for the nationality of the mother regardless of the nationality of the father. However, if a foreign husband wished to acquire the nationality of his wife, the authorities would need to carry out some enquiries.

10. **Mr. Adama** (Niger) said that by law all children born to Niger women were able to acquire the nationality of the mother. Although the legislation did not specify that a foreign man who was married to a Niger woman could apply for the nationality of the wife, it was possible for a foreign husband to apply for naturalization. There should be no reason why a foreign husband could not apply for the nationality of the wife, given that a foreign wife married to a Niger

man could apply for his nationality. Niger women were free to apply for passports without their husbands' permission and children had the right to be included on both the mother's and the father's passport.

Article 10

11. **Ms. Tavares da Silva** said that, despite progress in the area of education, the Government's plans to achieve universal primary education had not been fully realized and the initial and second periodic report showed that women's participation in higher education was low. It would be interesting to know whether the Government had envisaged further measures to address those challenges and whether penalties had been applied to parents who did not comply with their obligation to send their daughters to school.

12. **Ms. Arocha Domínguez** said girls' attendance in primary education remained lower than boys' attendance, although it was clear that some progress had been made. It would be useful to know what plans had been envisaged to increase girls' participation in primary education and to ensure that girls did not leave primary education.

13. **Ms. Simms** noted that it was established practice for women to be responsible for bringing up girls and men to be responsible for bringing up boys. It seemed especially problematic for girls to enter sectors that had not been traditionally associated with women if they were influenced by their mothers and not by their fathers. It would be interesting to learn how the Government planned to prevent that kind of gender stereotyping, because it was important for children to be brought up and influenced by both parents. It would also be useful to know how the Government might change the school curriculum to address that form of stereotyping.

14. **Mr. Flinterman** asked how the Government intended to achieve universal primary education in accordance with the Millennium Development Goals. Clarification should be provided on how the Government might change the perception that women should be in charge of girls' education. Paragraph 8.4 of the initial and second periodic report stated that applications from girls and boys received equal treatment by the National Vocational Guidance and Scholarships Committee. However, in that case, the Government might consider the possibility of adopting temporary special measures to make it easier for girls

to obtain scholarships. It would be interesting to know how the Government envisaged improving women's enrolment in higher education.

15. **Ms. Saiga** said that clarification should be provided on whether the Government had enacted legislation that obliged parents to send their daughters to primary school and whether it had established penalties for parents who did not comply with that provision. More information should be provided on the obligation for parents to reimburse schools for the entire cost of the education of girls who married while they were still at school.

16. **Ms. Ousmane** (Niger) said that the fate of girls was linked to that of their mothers; a lighter burden of domestic chores and more financial independence for women freed girls in turn from the expectation that they would assist with such work and allowed them to attend and stay in school.

17. **Ms. Maguizou** (Niger) said that the right to education was enshrined in the Constitution and girls and boys had an equal right to education under the law. In practice, however, economic, social and cultural factors hindered girls' access to schooling. More schools must be built and teachers trained to ensure that there were sufficient places for all primary-school-aged children in the country. In the Niger, with low population density spread over extensive land area, geographical factors such as distances to be travelled to schools must also be taken into account. Such development activities as village waterpoints and income-generating projects would also free girls from household duties (childcare and carrying water) to attend school, and tutoring programmes to help girls who had fallen behind would help keep them in school.

18. The Ministry of Education had developed a teacher's guide to eliminating sexism and stereotypes in textbooks, which would help to prevent those values from being perpetuated in society. Its future budgets must take girls' schooling into account. In 2000, 29.2 per cent of girls had been enrolled in school; the number had risen to 34 per cent in 2007. The Government was making every effort to reach the target of gender parity in primary school enrolment by 2015, despite scarce resources.

19. Parents who did not send their children to school, usually owing to poverty, were not punished. Rather, a system of incentives had been established whereby families who sent girls to school could qualify for

microcredit. The figures for girls' enrolment in secondary school were low because many were not academically qualified. Those numbers would not rise until the level of basic education for girls had improved.

Article 11

20. **Ms. Patten** asked whether the review of laws and regulations being conducted by the Ministry of Justice also covered general civil service regulations, including those allowing discrimination against women in the areas of marital status, maternity leave and benefits. She would like to hear more about Government efforts to implement the Labour Code and measures to strengthen the labour inspectors. Finally, more information was needed about the opportunities and constraints and any social benefits provided to women working in the informal sector.

21. **Ms. Halperin-Kaddari** said that she would be interested to learn of any specific cases where pregnant workers had been fired, and whether maternity leave was paid. The ban on night work mentioned in paragraph 9.2.3 of the report contradicted the Convention; she wondered whether there were plans to abolish it and whether it applied to both the private and public sectors. She would also welcome data on women working in the government sector.

22. **Mr. Mahamane** (Niger) said that the right to work was enshrined in the Constitution. While none of its provisions contradicted article 11 of the Convention, their interpretation could place women at a disadvantage. For example, the requirement that a woman must appear before a judge to prove she was head of her household in order to receive family benefits was not meant to prevent her from receiving them, but did place an unequal burden on her. In the reformed civil service regulations that had already been adopted by the Council of Ministers and would be brought before Parliament in the near future, the section on family benefits had been rewritten to remove that discriminatory requirement. The International Labour Organization was also helping with the review of the Labour Code in order to adapt it to the new environment where every valued member of the workforce was taken into account.

23. As for implementation of the Labour Code, violators were punished under the law. Each of the country's eight regions had a Labour Department that

conducted regular inspections to monitor observance of the Code. The delays in payment of pensions from the National Retirement Fund had occurred because of problems in its administration and had not been based on gender. Equal access to social benefits and health insurance for all members of the civil service would soon be implemented.

24. **Ms. Ousmane** (Niger) said that firing a woman while she was on maternity leave would be a flagrant violation of the Labour Code which could be prosecuted. To her knowledge, that had occurred only in isolated cases, and complaints had been filed.

Article 12

25. **Ms. Pimentel** said that the report painted a grim picture of access to health care, and asked whether any special plans had been made to provide care to elderly or disabled women. She also requested clarification regarding alternative employment for the practitioners of female genital mutilation.

26. **Ms. Dairiam** asked about the time frame for implementation of the Reproductive Health Act. With regard to the low rates of contraceptive use, it would be interesting to know any results of the free distribution of contraceptives and whether there were cultural barriers to their use.

27. More information was also needed on how the health needs of young people were met, particularly in the light of the high rates of teenage pregnancy and early marriage. Data on the incidence of obstetric fistula and access to treatment were needed. She would like to know the time frame for the passage of the act amending the minimum age of marriage, and whether girls taken out of school had any possibility of re-entering the educational system.

28. **Ms. Ousmane** (Niger) said that no one was forgotten or marginalized in Niger society. The Ministry of Solidarity and Social Action addressed the specific needs of the elderly and disabled. The Government had also signed the United Nations Convention on Disability.

29. Her Government was aware that female genital mutilation still took place, but had a zero-tolerance policy towards the practice. The most recent figures showed a drop in the number of cases. Her Ministry was working actively with non-governmental organizations to raise awareness and to provide

rehabilitation and training in new skills for its practitioners. Programmes were also under way to raise awareness about the problems associated with early marriage. The Government provided care to women who had suffered obstetric fistula.

30. **Dr. Moussa** (Niger) said that the 1994-2000 health development plan had enabled her Government to embark on an ambitious sectoral policy on health and to adopt strategic guidelines for the twenty-first century aimed at attaining the Millennium Development Goals. The plan sought to reduce the rate of maternal and infant and child mortality by increasing access to decent health services, enhancing reproductive health activities and strengthening decentralization in the health sector. Her Government was endeavouring to reach local communities, especially in rural areas, through increased community participation in health policies and improved management of the health-care infrastructure. The vast territory of the Niger posed particular challenges for ensuring efficient health coverage and access to essential medicines. Family planning was among the health development plan's major priorities. The Government had allocated funds to extend contraceptive coverage from its current rate of 8.2 per cent to 15 per cent by 2010 and provided free contraceptives at all levels of the health-care system. Mobile health-care workers travelled to villages to provide contraceptives and prenatal and post-natal care. The Government had adopted a law on reproductive health and was drafting texts for its enforcement. Consultations had been carried out before the adoption of the law with all stakeholders, especially religious leaders, who were supporting the legislation. The law enshrined universal access to reproductive health and gave women the freedom to use the most efficient family planning methods. The law would enable the Government to address the problem of early marriage, which contributed to the high rate of maternal mortality. Efforts were also being made to improve obstetric care, including the provision of free medical care for women who gave birth by Caesarean section. Women also had access to free medical care for children under the age of five throughout the national territory.

Articles 13 and 14

31. **Ms. Patten** said that, according to a recent report, structural food insecurity left 32 per cent of the

population undernourished and 40 per cent of children under five chronically malnourished. She also cited reports that food security had been threatened by agricultural trade liberalization, through privatization of the State agricultural agencies and services. She would like to know whether the Government assessed the effects of such liberalization on access to food and rural women's enjoyment of the right to work. Information was needed on the efforts to ensure that rural women participated in trade negotiations. It would be useful to have data on the number of women who had benefited from loans and on the ease with which they obtained them. It was unclear whether they needed collateral. She would also appreciate information on the efforts made to establish links for women in the informal sector with financial institutions to facilitate their access to credit.

32. **Ms. Tan** said that Niger women were in dire need of a social safety net. She would like to know whether any action had been taken to provide social security for persons in rural areas, particularly women. It would be useful to know about any plans to encourage women to use new agricultural technology or to provide funds for women seeking to do so. She asked whether there were any efforts to educate rural women on their rights to land under the law and any avenues of legal aid for women seeking to exercise those rights. She wondered about the current status of the Banque Sarraounia, the women's bank referred to in the responses to the list of issues, and the kinds of activities which might be funded by it. Details were needed on its efforts to establish a network for the promotion of female leadership.

33. **Ms. Dairiam** asked what recourse rural women had when denied access to justice. She would like information on how the national policy for the advancement of women was monitored and on the scope of the literacy programme. The report stated that one of the impediments to the full exercise of women's rights was the coexistence of customary, religious and civil law. The delegation had also stated that progress was being made. Clarification was needed, however, on the situation on the ground. It would be helpful to have data on the number of people seeking justice under customary law. She urged the delegation to gather such data, disaggregated by sex, especially for rural areas.

34. **Ms. Ousmane** (Niger) said that several measures had been taken to provide access for women to credit. A recent meeting of Heads of State and Government in

Bamako had reviewed banking interest rates and loan policies to facilitate access to credit by women. There were also mutual associations which funded women's activities. She singled out the special programme of the President of the Republic.

35. **Mr. Adama** (Niger) said that women were increasingly gaining access to land ownership.

36. Most disputes were settled by customary courts. In such cases, the law stipulated that justice was free. Civil cases, however, could incur some costs which might create financial impediments to obtaining justice. Consideration was currently being given to making free legal assistance available in such cases. Meanwhile, legal assistance was currently extended by NGOs in the form of legal clinics. Furthermore, lawyers had organized a "*caravane de la défense*", or a caravan of counsels for the defence, which travelled around the country to provide free legal advice and facilitate access to justice.

37. **Mr. Mahamane** (Niger) said that the issue of land ownership in his country and elsewhere in Africa was extremely sensitive, including for men. The new Rural Code, which gave women the right to own land, was being implemented through local rural land commissions. Those commissions had limited effectiveness, however, as they were mostly administered by civil servants who were not always aware of the local situation. Nevertheless, there were ongoing efforts to ensure community-based land management through commune councils which included a specific number of elected women.

38. The Government had established a committee in collaboration with social partners, including trade unions, to consider the issue of access to housing. The committee would be putting forward proposals to the Government to promote decent housing throughout the territory of the Niger.

39. His Government planned to establish a health insurance scheme which would especially help rural communities gain access to care. It attached great importance to the establishment of joint facilities, which would also serve local communities in other sectors without gender discrimination. The planned transfer to communes of authority over the provision of basic services such as water, education and health was expected to improve services and enhance access for both men and women. With respect to social security, the National Social Security Fund was responsible for

disbursing all family allowances. Efforts were under way in conjunction with the Conférence Interafricaine de la Prévoyance Sociale and the World Bank to improve the distribution of those allowances.

40. **Ms. Habsou** (Niger) said that her Government had launched a special anti-poverty campaign in rural areas, mainly for women and young persons, which sought to ease the domestic burden of rural women by installing essential infrastructure and to promote income-generating activities. To date, the campaign had made possible, inter alia, the granting of more than 1.8 billion CFA francs in loans to women's groups and the distribution of more than 2,000 dairy cows to rural women, the electrification of villages as well as training and job creation for young persons. Those measures, all of which were made possible as a result of the Heavily Indebted Poor Countries Debt Initiative, had greatly improved the lives of women.

41. **Ms. Abdourhaman** (Niger) said that even in urban areas access to new information and communication technologies was fairly limited given the country's level of development. Nevertheless, the African Development Bank was funding a multimedia project which would improve women's access to such technologies. Access to credit had been open to all in the Niger, provided that the applicant had the necessary guarantees. As rural women generally did not have the collateral to obtain loans, her Government had instituted the special anti-poverty campaign, which granted extremely low-interest credits without requiring collateral. Although the Banque Sarraounia was not yet operational, its establishment was well under way.

Articles 15 and 16

42. **Ms. Belmihoub-Zerdani** said that the two structural adjustments in the Niger had created considerable obstacles to funding projects. Regardless of the progress made in promoting gender equality in many areas, the rights of women continued to be restricted in their private lives. She therefore urged the delegation to focus its efforts on the advancement of the personal status of women. In particular, she called for implementation of the amended legislation on issues of personal status referred to under question 31 of the responses to the list of issues, which specified that customs must not only be consistent with the law and public order but also with conventions to which the Niger was a party.

43. **Ms. Tan** said that the lack of consensus among religious leaders on the draft family code, which sought to address many of the most pressing inequalities facing women, was a major obstacle to its adoption. She would like to know the nature of the objections to the code and the prospects for its adoption in the near future. It was unclear which of the various types of law — customary law, the Constitution or the Convention — prevailed when they conflicted. Noting that, under most customs, the mother was granted custody of sons until they reached the age of puberty and of daughters until they married, she wondered whether that referred to child custody after divorce or to the rights of parents over their children. She would also like to know how women could seek help in divorce cases in which they were denied child custody. She noted with concern cases of divorce by repudiation, whereby a husband alone was able to end the marriage and no reasons needed to be given. She asked whether women and children in such cases received maintenance from the men in question and, if not, whether the State took care of the women and children. Also noting that many persons in the Niger were unaware of the need to register their marriages, she would like to know what steps had been taken to encourage registration.

44. **Mr. Abani** (Niger) said that the past decade had been difficult for his country, which had returned to peace and stability for the first time since 1999. The lack of resources associated with the hostile climate and advancing desertification had an impact in social sectors, unfortunately.

45. With regard to questions on whether women could be traditional chiefs, he said that local custom could not be changed from the top down. The current national reality would not allow the adoption of legislation to allow women to hold such positions.

46. **Mr. Adama** (Niger), in reply to questions on article 16, said that the Convention and other international instruments had constitutional standing, followed by domestic laws and then customary law. In the event of conflict, that ranking would be applied.

47. The effects of repudiation were of great concern and abuses did occur, but there were very strict religious rules governing the practice. The law in that area was not well known, and most judges in matrimonial courts were inexperienced, which led to problems. Judges needed to understand their role as

conciliator in such cases. Marriage registration had become obligatory.

48. **Ms. Ousmane** (Niger) said that the dialogue with the Committee had been highly valuable and had led to a greater understanding of the issues affecting women and the areas where improvement was needed.

49. **The Chairperson** commended the Government of the Niger for demonstrating the political will to ratify the Optional Protocol to the Convention. She urged the withdrawal of all its reservations, allowing the Convention to be fully implemented.

The meeting rose at 5.40 p.m.