



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

Distr.: General  
5 October 2006

Original: English

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**Committee on the Elimination of Discrimination  
against Women**  
**Pre-session working group**  
**Thirty-eighth session**  
14 May-1 June 2007

**List of issues and questions with regard to the  
consideration of an initial and second periodic report\***

**Niger**

1. The pre-session working group examined the combined initial and second periodic reports of Niger (CEDAW/C/NER/1-2).

**General**

2. Please provide more detailed information on the process of preparing the initial and second reports of Niger. This information should indicate which government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was adopted by the Government and presented to Parliament.

3. Please describe concrete measures taken and future steps planned towards withdrawal of reservations with regard to articles 2 (d), 2 (f), 5 (a), 15 (4), 16 (1) (c), 16 (1) (e) and 16 (1) (g) of the Convention on the Elimination of All Forms of Discrimination against Women. Have developments in Niger's society between the ratification of the Convention and the presentation of the combined initial and second report brought any progress in this regard?

**Articles 1 and 2**

4. The report indicates that "in practice, civil rights in Niger are based essentially on customary law, Islamic law and, to a lesser degree, the Civil Code. This situation recognizes and perpetuates discrimination against women" (page 62, para. 14.1). The Special Rapporteur on violence against women, its causes and consequences, noted that after the ratification of the Convention, the Ministry of Justice formed a

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\* The page numbering in this list of issues and questions refers to the English version of the report.



committee of legal scholars, which began reviewing relevant laws (E/CN.4/2003/75/Add.1, para. 440). Please provide information on this review process, including government plans, timetable and priorities for undertaking this law review as well as the repealing of discriminatory customs and laws, and any outcomes of the review process so far. Please indicate the steps undertaken by the Government, in a given timetable, to harmonize statutory, customary and religious laws on individual human rights, and family law. Please provide more detailed information on the process of adopting the Family Code. Does the content of this Code conform with the Convention?

5. The report states that “a properly ratified convention shall have the same authority as the Constitution, under the principle of the hierarchy of laws, the national laws, statutes and regulations which are not in conformity with such agreement or treaty must be amended” (page 16, para. 2.1.1). Please clarify the status of the Convention in the domestic legal system and whether the Convention can, and has been, used in court cases.

6. The report states that discriminatory legislation is still in force (page 21, para. 1.2.1) especially in the General Civil Service Regulations, as well as in Decree No. 60-S/MFP/T of the Labour Law regulating the remuneration and benefits of government officials. Kindly indicate the measures undertaken by the Government of Niger to repeal such discriminatory legislation.

7. Describe what mechanisms and remedies are available to women with complaints of gender-based discrimination, including independent mechanisms (such as an ombudsman), and provide statistical information about the use of such remedies.

### **Article 3**

8. Please describe the current status and progress achieved in implementation of the 1996 national policy for the advancement of women mentioned in the report (page 23, para. 1.3.2). This description should include detailed information outlining the goals, objectives and strategies, as well as impediments to effective achievement and implementation, remedial measures undertaken and plans for future national policies for the advancement of women.

9. Please describe the concrete actions undertaken and the results obtained by the following institutions:

- National Institute for Monitoring the Advancement of Women
- Committee to follow up the implementation of the Beijing recommendations
- Advisers on Gender and Development to the President of the Republic and the Prime Minister
- Committee of Niger on Harmful Traditional Practices

### **Article 4**

10. The report provides information on temporary special measures that have been instituted to accelerate equality between women and men in education and in decision-making bodies and notes that the provisions of the special measures would no longer apply once inequalities between men and women diminish (page 25-26,

paras. 2.1-2.3). Kindly elaborate on the impact of these measures and any concrete results achieved in reducing and eliminating discrimination against women.

#### **Article 5**

11. The report states that: “according to customary law men are superior to women, there can be no equality between men and women in any circumstances (...) and the women of the Niger are therefore second-class citizens” (page 63, para. 14.1.1). Kindly elaborate on any measures taken by the Government to change customary beliefs and practices that discriminate against women.

#### **Violence against women**

12. Please provide data on the incidence of and trends in violence against women, including rape and domestic violence as well as information on the number of prosecutions and convictions in domestic violence cases during the last five years.

13. Bearing in mind the Committee’s general recommendation no. 19 regarding violence against women, please describe steps taken to develop a comprehensive strategy to combat all forms of violence against women, including the adoption of legislation and the introduction of capacity-building and awareness-raising programmes for various groups (such as the police, lawyers, health workers and the judiciary) and the general public.

#### **Article 6**

14. The report indicates that slavery persists in Niger (page 29, para. 4.1), and seems to be tolerated by the State as “no legislation or regulations have been adopted to curb the practice”. According to the Special Rapporteur on violence against women, its causes and consequences, while the National Assembly passed revisions to the penal code to include new punishable offences for crimes against the practice of slavery, a presidential promulgation to implement the new revisions was not issued as of 2002 (E/CN.4/2003/75/Add.1, para. 438). Please indicate any recent development in that regard. Kindly provide statistics on the number of women and girls being enslaved. As the report only mentions NGO activities, please indicate how the Government intends to curb this practice effectively and describe the impact of any measures taken to date.

15. Please provide statistics, if available, on the number of women and young girls engaged in prostitution. Please elaborate on laws or measures adopted to prevent and punish the exploitation of prostitution as well as measures taken to provide rehabilitation and support for the social reintegration of women who wish to leave prostitution.

16. The report does not provide sufficient information on laws or measures to prevent and punish trafficking in women and girls, including its prevalence. Please provide this information.

#### **Article 7 and 8**

17. According to the report, in practice, women face constraints in exercising their rights to vote, not due to the absence of egalitarian provisions but to the weight of social expectations (page 31, para 5.1). Kindly provide further information on

measures taken by the Government to encourage women to become more actively involved in politics, either as voters or as candidates in various elections.

18. The report indicates that the Government of Niger adopted Act No. 2000-008 to introduce a quota system for positions reserved for women in decision-making bodies (page 26, para. 2.3). The report further notes that “very few women have found their way into decision-making bodies, but the effective application of the law on quotas should remedy the situation in time” (page 34, para. 5.2.4). Kindly describe the results and effectiveness of the law on quotas since 2001, as well as any further measures that may have been introduced to enhance the number of women participating, and succeeding in decision-making bodies.

#### **Article 9**

19. Please specify whether “the positive law on the nationality of Niger” mentioned in the report (page 36, para. 7.1) is actually enforced, and in particular whether women of Niger origin, from other ethnic minorities and from indigenous groups are able to establish effectively their citizenship and to pass their nationality to spouses of foreign origin, and whether their rights are respected, both de jure and de facto.

#### **Article 10**

20. The report provides information on the proportion of enrolment and drop-out rates of girls and boys only for pre-school, middle and high-school without making a distinction between rural and urban areas. Please provide recent statistical information on the proportion of enrolment and drop-out rates of girls and boys in pre-school, primary, middle and high-school, in both urban and rural areas. What is the penalty for parents and guardians who do not comply with the compulsory schooling requirement?

21. According to the report “women and girls do not always exercise their right to education, due to stereotyped concepts of the roles of men and women and the division of labour” (page 39, para. 8). Please describe the progress achieved in girls’ and women’s enrolment rates as a result of the activities undertaken by the Technical Unit for the Promotion of School Enrolment mentioned in the report (page 25, para. 2.1), and indicate whether other comprehensive steps have also been taken to combat gender stereotyping within the education system in both private and public schools. Please give further information about special measures undertaken by the Government to retain girls in school, and to ensure girls access to all levels of education.

#### **Article 11**

22. Please provide recent statistical information, disaggregated by sex and showing trends over time, indicating women’s overall labour force participation by occupation in the public and private employment sectors.

23. Please provide information on women’s participation in the informal sector, including the number of women in the informal economy compared to those employed in the formal economy.

24. Please indicate how national development plans or poverty reduction strategies that are in place in the country, including those aimed at achieving the Millennium

Development Goals, integrate a gender perspective and contribute to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

#### **Article 12**

25. The Special Rapporteur on violence against women, its causes and consequences, expressed concern that female genital mutilation (FGM) is practised by several ethnic groups in the western department of Tillaberi and the eastern department of Diffa (E/CN.4/2003/75/Add.1, para. 446) despite being outlawed since 2001. Kindly indicate what measures have been taken to resolve these problems, including awareness-raising campaigns targeted at practitioners and the general public to combat and eradicate harmful traditional practices. Please provide further details on the implementation of the legislation prohibiting female genital mutilation and data on how many prosecutions have been brought with regard to FGM practices and what were the results in terms of convictions and sentences.

26. Please provide information on the number of women currently infected with HIV/AIDS and the availability of antiretroviral medication and psychosocial services for women with HIV/AIDS and their children. Kindly indicate whether any existing programmes to combat HIV/AIDS integrate a gender perspective.

27. The report indicates that women's health is in a precarious condition, because of a number of interrelated factors, such as successive childbirths, food taboos, harmful traditional practices, heavy domestic and farm chores, that adversely affect their capacity to work and undermine their health (page 51, para. 10.1). The 1994 health development plan mentioned in the report (page 50, para. 50) was reportedly launched to promote maternal and child health and family planning, in order to reduce maternal, infant and child mortality and to promote a healthy diet and sound nutrition. Please describe what specific activities have been undertaken to implement this policy, as well as any results to date. The response should also give information on rates of maternal and infant mortality and morbidity, including trends over time and urban and rural differences.

28. Please provide more detailed information about women's access to affordable reproductive and sexual health services and educational programmes, including their substantive content and their availability to particular groups, such as adolescents and rural women.

#### **Article 13**

29. Please elaborate on the impact of measures taken to help women entrepreneurs mentioned in the report (page 54, para. 11.1.2).

#### **Article 14**

30. Please describe the impact of all the measures carried out by the Government to improve the situation of rural women, including their access to health, education, water and land, social security and their participation in decision-making processes at all levels. Also indicate what efforts have been made to raise women's awareness and empower women to claim their rights, such as those to property and inheritance.

**Article 15**

31. The new commercial Code provides that married women are “able to engage in business activities without authorization from their husband” (page 53, para. 11.1.1). Nevertheless, “Act No. 62-11 Courts Act of 16 March 1962 sharply restricted the scope of the Civil Code by giving precedence to customary law in most matters, such as the ability to enter into contracts and bring legal proceedings” (page 19, para. 1.1.2). Please indicate which of these two texts apply when a married woman wants to engage in business activity. The report also mentions that, according to article 130 of the Niger Constitution, “this obsolete and inadequate Act is unconstitutional and void” (page 63, para. 14.1.1). Have any steps been taken by the Government to repeal this law?

**Article 16**

32. According to the Special Rapporteur on violence against women, its causes and consequences, Niger has the highest rate of early marriage in sub-Saharan Africa with 77 per cent of the 25-49 age group marrying before the age of 18 (E/CN.4/2003/75/Add.1, para. 448). In its concluding comments, the Committee on the Rights of the Child recommended that “the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving traditional and religious leaders, and society at large, including children themselves, to curb the practice of early marriage” (CRC/C/15/Add.179, para. 24). Please indicate any concrete measures implemented, or planned, to curb the practice of early marriage.

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