



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the fifth periodic report of the Niger*

General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability, ethnicity and minority status, on the current situation of women in the State party in order to enable monitoring of the implementation of women's rights in all areas covered by the Convention. Please provide information on steps taken to withdraw or narrow the reservations to the Convention, in particular articles 2 and 16, and to bring its obligations into line with articles 8 and 22 of the Constitution. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as the Committee's previous concluding observations ([CEDAW/C/NER/CO/3-4](#)), please indicate how the State party intends to improve the collection and analysis of data pertaining to women's enjoyment of their rights in the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men.

Women's rights and gender equality in relation to the pandemic and recovery efforts

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to rural women, disadvantaged and marginalized groups, and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: (a) address and are aimed at

* Adopted by the pre-sessional working group on 9 July 2021.



effectively preventing gender-based violence against women and girls; (b) guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and (c) are designed so that women and girls, including rural women, benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access for women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

Legislative and institutional framework

3. With reference to the Committee's previous concluding observations (para. 12),¹ please provide information on measures taken by the State to ensure that Act No. 62-11 of 16 March 1962 and Act No. 2004-50 of 22 July 2004 as well as the provisions in the Civil Code regulating the matrimonial home (art. 108), the status of head of household and paternal power (arts. 213 to 216), the legal capacity of married women (arts. 506 and 507), remarriage (arts. 228 and 296), the exercise of guardianship over children (arts. 389 to 396 and 405) and the distribution of marital assets (art. 818) are in line with the Convention. Please provide information on measures taken to adopt personal status laws in line with the Convention and Sustainable Development Goal 5.

National human rights institution

4. Please provide updated information on measures taken to ensure that the National Commission on Human Rights can effectively and independently discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please inform the Committee about steps taken to provide the Commission with an explicit mandate to promote ratification or accession to international human rights treaties; ensure pluralism, including appropriate gender balance in its composition; formalize and apply a transparent and independent selection and appointment process; and ensure an appropriate level of funding to carry out its mandate.

Access to justice

5. Please provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and are able to claim those rights (para. 15 (b)). Please also provide information on cases brought before the courts with respect to discrimination against women, referring to the Convention and the outcomes of the cases. Please provide information on measures taken to ensure that State and customary justice systems and their implementation are in conformity with the Convention, and please indicate steps taken to eliminate gender bias and stereotyping against women claiming their rights. Please provide information on measures taken to address the barriers faced by women, especially rural women and women belonging to disadvantaged and marginalized groups, in accessing justice, including to free legal aid for women in the State party, and on accessibility for women with disabilities.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the combined third and fourth periodic reports of the State party (CEDAW/C/NER/CO/3-4).

Women, peace and security

6. Please provide information on progress made in implementing Security Council resolution 1325 (2000) on women, peace and security, including measures taken to ensure the participation of women in peace processes and in conflict prevention. Please also indicate measures taken to ensure the effective investigation, prosecution and prompt punishment of cases of sexual violence against women in conflict situations, and provide information on mechanisms to investigate allegations of acts of violence by security forces and armed groups and other human rights violations and abuses, with a particular focus on gender-based violence against women and girls. Please provide statistical data on the number of prosecutions and convictions of perpetrators and on victim protection, compensation and rehabilitation.

National machinery for the advancement of women

7. In the light of the Committee's previous recommendations (para. 17), please provide information on the human, technical and financial resources allocated to the Ministry for the Advancement of Women and Protection of Children, the National Centre for the Advancement of Gender Equality and the ministerial gender focal points. Please also indicate whether the State party has adopted and implemented a national gender equality policy that clearly defines the competences of national and local authorities and how it ensures gender mainstreaming in all ministries and decentralized government structures. Please elaborate on the role of the committees established under Decree No. 2019-379/PRN/MPF/PE of 19 July 2019, their mandate with regard to women's rights and the resources allocated to them.

Temporary special measures

8. With reference to the Committee's previous recommendations, please provide information about any temporary special measures adopted in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, including statutory quotas, accompanied by legal measures for non-compliance, aimed at achieving substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged (para. 19 (b)).

Stereotypes and harmful practices

9. Please provide information on measures taken by the State party to eliminate and modify patriarchal attitudes and discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family and in society. Please describe steps taken to criminalize the slavery practice of *wahaya* and on efforts to ensure that articles 232.1–232.3 of the Criminal Code prohibiting female genital mutilation are strictly enforced.

10. Please provide information about measures taken to eliminate child and/or forced marriages and female genital mutilation, including by strictly enforcing criminal law provisions, developing national strategies to support victims, promoting alternative income-generating opportunities for practitioners and strengthening awareness-raising and data collection on the devastating impact of these harmful practices among affected communities. In the light of the recent judgment of the Court of Justice of the Economic Community of West African States in *Fodi Mohammed v. Niger* (case ECW/CCJ/APP/27/19), please indicate measures taken to ensure the investigation and prosecution of cases of the enslavement and sale of women and girls and to provide adequate protection and compensation to victims and their families.

Gender-based violence against women

11. Please provide information to the Committee on legislative reform to prevent, prohibit and prosecute all forms of gender-based violence against women. In the light of the Committee's previous recommendations (para. 23), please indicate the following:

(a) Measures taken to specifically define and criminalize sexual harassment and sexual violence against women, including marital rape, and ensure that such measures are respected, including at the local level;

(b) Measures taken to ensure access to justice for all survivors of gender-based violence against women and to strengthen the capacity of judges, prosecutors and police officers at the federal, state and local levels on the strict application of relevant criminal law provisions and gender-sensitive investigation methods in cases of gender-based violence, including measures adopted in the national strategy for the prevention of and response to gender-based violence for 2017–2021;

(c) Availability and accessibility of adequate support services, including access to shelters, rehabilitation and free legal aid for women and girls who have been subjected to gender-based violence, in particular those belonging to disadvantaged and marginalized groups, such as women with disabilities, throughout the territory of the State party.

Trafficking and exploitation of prostitution

12. Please provide information on the steps taken by the State party to adopt comprehensive anti-trafficking legislation, in line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration. Please also provide information on the number of investigations, prosecutions and convictions of, and the sentences imposed on, perpetrators in cases of trafficking in women and girls. Please indicate the measures in place to ensure the early identification of victims, their referral to appropriate services as well as on public awareness-raising about the root causes and the criminal nature of trafficking. Please also indicate the measures taken to strengthen victim support, access to shelters, free legal aid, rehabilitation and reintegration services across the State party and to improve data collection on cases of trafficking. Please provide details on the measures taken to strengthen bilateral, regional and international cooperation to detect and prevent cases of trafficking in women and girls, protect victims and facilitate the prosecution of perpetrators.

Participation in political and public life

13. Please provide information on steps taken to accelerate gender parity in Parliament, state and local legislative bodies, local executive bodies, the Government, public service and the foreign service. In that regard, please provide information on the adoption and implementation of targeted measures, including the effective enforcement of the Quota Act (No. 2000-008) (amended in 2019), and on sanctions imposed in case of non-compliance. Please provide statistical data on women's participation as voters and candidates in national and local legislative elections as well as in the latest presidential elections. Please also provide information on the representation of women on electoral lists of political parties in the previous legislative elections and on campaigns to raise awareness among politicians, the media, teachers, community leaders and the general public about the importance of women's participation in decision-making at all levels.

Nationality

14. Please provide information on measures taken by the State party to improve the identification and protection of the rights of stateless persons, especially women and girls, in the State party and to facilitate access to nationality for stateless women and children. Please indicate measures taken to ensure that statelessness determination procedures in the State party are in compliance with international standards on procedural safeguards.

Education

15. Please provide information on the implementation of the national strategy for the acceleration of the education of women and girls for 2020–2030, including specific measures adopted by the State party to address discriminatory stereotypes and structural barriers that deter girls and women from enrolling. Please also provide information on the implementation of the order of 4 February 2019 and the joint order of 22 August 2019, aimed at repealing Decision No. 65/MEN/DEST/EX of 10 July 1978, to ensure the enrolment and completion of girls who become pregnant in primary and secondary education, including information on awareness-raising among girls and on the support available to young mothers to continue their education. Please indicate measures taken to ensure that absence from school after delivery may exceed 40 days. With regard to the high rates of child marriage, please describe measures taken by the State party to ensure that girls who are victims of child marriage can continue their education and that the protection provided by Decree No. 935-2017 and the order of 4 February 2019 applies to all cases of child marriage and that any violation of these provisions are adequately punished, including at the local level.

16. Please provide information on the measures taken to promote access by women and girls to all levels of education, including through the provision of scholarships, and on adult literacy programmes, especially in rural areas. Please also provide information on the inclusion in school curricula, in particular in rural areas, of mandatory, comprehensive and age-appropriate education on sexual and reproductive health and rights, including on responsible sexual behaviour. Please indicate the number of teachers, including women, who have received training on gender equality, prevention of gender-based violence against women and non-violent conflict resolution. Please report on the obstacles faced by girls, in particular girls with disabilities and girls from disadvantaged households, to access mainstream education, including in the context of remote, online learning due to the COVID-19 pandemic.

17. Please provide information on measures taken to implement the guidelines for protecting schools and universities from military use during armed conflicts, including on measures adopted to protect schools and universities from attacks and from being used for military purposes. Please indicate steps taken to train members of the armed forces on applicable rules of international humanitarian law concerning the protection of schools and universities from armed attacks.

Employment

18. Please provide information on measures taken to address discrimination against women in employment, on the creation of incentives for both public and private sector employers to recruit women, and on measures to strengthen professional training for women. Please indicate steps taken to promote access to formal employment for women working in the informal sector, in particular women domestic workers and rural women. Please describe measures taken to extend social protection schemes to all women, including those working in the informal sector, and provide information on social security coverage for self-employed women and women entrepreneurs. Please indicate any steps taken to amend article 45 of the Labour Code to broaden the

definition of sexual harassment and the scope of persons to whom it applies, and steps taken to raise awareness of the remedies available to victims of sexual harassment (para. 31 (d)). Please indicate steps taken by the State party to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Health

19. In line with the Committee's previous recommendations (para. 33 (c)) and its general recommendation No. 24 (1999) on women and health, please provide information on measures taken to decriminalize abortion by repealing articles 295–297 of the Criminal Code and to legalize it at least in cases of rape, incest, threats to the life or health of the pregnant mother, and severe fetal impairment. Please also provide information on measures taken to combat the negative influence of customary, traditional or religious norms that may be invoked to limit women's autonomy and hamper the exercise of their sexual and reproductive health rights. Please indicate any steps taken to increase the budget allocated to women's basic health care, cancer prevention programmes, sexual and reproductive health services and family planning services, in particular for poor, rural or nomadic women and adolescent girls (para. 33 (a)). Please provide information on measures taken by the State party to reduce maternal mortality by improving access to prenatal and postnatal care and emergency obstetric services and to ensure affordable, uninterrupted access to modern contraceptives for the prevention of unwanted pregnancies, including emergency contraception, in particular during the COVID-19 pandemic.

Refugee, asylum-seeking, displaced and migrant women

20. Please provide information about measures taken by the State party to provide adequate support to asylum-seeking and refugee women and girls, including those who have experienced gender-based violence. Please provide information on access of women and girls who are asylum seekers, returnees or displaced persons to food supplies, adequate water and sanitation, housing, health care, education and identity documents. Please describe steps taken to strengthen regional cooperation efforts to increase the protection of migrant women and children through information exchange and harmonization of reception arrangements and referral procedures. Please also indicate whether the State party is taking steps towards the closure of all migration detention centres and whether it promotes the use of alternatives to detention. Please provide information on measures in place to ensure respect for the principle of non-refoulement of women and children with protection needs.

Rural women

21. Please provide information on measures taken to ensure equal rights of women and men to land acquisition and retention, including through succession, and facilitate women's access to justice to claim and exercise their land rights, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide information, including statistical data, on the results of policies and programmes for the economic empowerment of rural women, including through the amendment of the rules on traditional chieftainship.

Economic empowerment of women

22. Please indicate measures taken to promote women's entrepreneurship and their economic empowerment, including skills training and technical education, and to facilitate women's access to bank loans and other forms of financial credit. Please also provide information on social security provisions for self-employed women and women entrepreneurs in micro- and small enterprises.

Marriage and family relations

23. In light of the Committee's previous recommendations, please indicate steps taken by the State party to amend article 144 of the Civil Code and expedite the adoption of legislation raising the minimum legal age of marriage to 18 years for both women and men without exception, and requiring the consent of both intending spouses, and to prohibit, including under customary law, the harmful practices of child marriage, forced marriage and polygamy and repudiation (para. 43 (a) and (c)). Please provide information on the implementation of article 72 of Law No. 2018-37 of June 2018 and on sanctions applied for non-compliance of the rules against forced and child marriage, polygamy and repudiation as well as measures taken under, and the resources allocated to the implementation of, the national strategic plan for 2019–2021 to end child marriage. Please provide information on steps taken to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Disadvantaged and marginalized groups of women

24. Please provide comprehensive statistical data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women belonging to disadvantaged or marginalized groups, such as indigenous women; rural women; women belonging to ethnic minorities; migrant, asylum-seeking and refugee women; older women; women affected by poverty; women and girls living on the street; women with disabilities; or women taking care of family members with disabilities or older family members, in all areas covered by the Convention.

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report. Such measures may include recent laws, developments, plans and programmes; recent ratifications of human rights instruments; and any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions posed by the Committee relating to areas covered by the Convention.
