



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

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

Summary record of the 789th meeting

Held at Headquarters, New York, on Tuesday, 29 May 2007, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10.05 a.m.

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

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

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

2. **Ms. Ousmane** (Niger), introducing the Niger's combined initial and second periodic report (CEDAW/C/NER/1-2), said that her Government attached particular importance to gender issues and would therefore continue to submit reports regularly to the Committee. The Niger would also be participating actively in the deliberations of the Commission on the Status of Women, of which it had become a member at the last session. It fully supported the work of the Committee and, since the preparation of its report, had ratified the Optional Protocol to the Convention.

3. Her country had taken a number of steps to benefit women, in particular by adopting in 1996 a national policy for the advancement of women, which it considered a precondition for effectively mobilizing the population for sustainable development. That policy had been designed for the long term and was underpinned by five principles: respect for the rights of women as citizens and stakeholders in the task of national construction; non-discrimination against women; gender equality; equality of opportunity; and maternal and child welfare. It embraced social, economic, political, legal and cultural aspects and was geared to the achievement of a number of practical goals in the everyday life of women.

4. Since ratifying the Convention in 1999, the Government had put in place a number of related institutional mechanisms, most notably the Ministry for the Advancement of Women and Protection of Children, which in 2005 had replaced the Ministry of Social Development, Population, Advancement of Women and Protection of Children; it was assisted in its work by institutes for monitoring the advancement of women at national, regional and subregional levels. In 2000, the State party had adopted a law instituting a gender quota of 10 per cent for elective office and 25 per cent for government and public administration posts. As a result there had been a significant increase

in the representation of women in public and political life.

5. Several projects and programmes had been launched to improve socio-economic conditions, particularly for women; of the 63 per cent of the population who lived below the poverty line, 73 per cent were women. A special programme sponsored by the President of the Republic provided women with support for income-generating activities, particularly in rural areas, along with other loan and microcredit initiatives. Measures had similarly been taken in support of the education and training of girls, reflected in a significant rise in their rate of enrolment. Another area to which particular attention had been given was health. Accordingly, and notwithstanding the economic difficulties facing the country, large numbers of community health workers had been trained, health-care facilities had been set up and widespread preventive action taken against malaria and HIV/AIDS. Health care for women and children was the cornerstone of the Niger's national health policy. In addition, legislation had been introduced or amended to make violence against women in all its forms a punishable offence.

6. A national gender policy was currently being finalized, which was calculated to reduce inequalities and iniquities in every field. With the much-appreciated support of its partners, the Government of the Niger would continue to honour its commitment to improving the status of women, both for their sake and as a sure means of more effectively combating poverty and achieving socio-economic development.

Articles 1 and 2

7. **Ms. Schöpp-Schilling** said that the reservations made on ratification by the State party were perhaps rooted in a misconception of its obligations under the Convention. It was required to take immediate action but not to achieve immediate results. Moreover, since the Convention simply spelled out principles of non-discrimination already contained in the two international human rights Covenants, there was a contradiction between the State party's ratification of those instruments without reservation and its reservation with respect to the Convention. An awareness-raising campaign should be undertaken in all sectors of society so as to enable the Niger to withdraw its reservations.

8. **Mr. Flinterman** welcomed the measures already taken to that end, particularly as he did not see the need for any such reservations. He likewise welcomed the Niger's ratification of the Optional Protocol, while stressing the importance of ensuring justice at the domestic level. He wondered in that connection, particularly in view of people's lack of awareness of their rights on account of high illiteracy rates, mentioned in the responses (CEDAW/C/NER/Q/2/Add.1), what the Government was doing to make people more aware.

9. **Ms. Shin** drew the State party's attention to article 28 of the Convention, which stipulated that reservations could not be incompatible with its object and purpose. She asked how much effort it was making to publicize the Convention and the Optional Protocol among the population, especially in view of the declaration regarding its reservation on article 16 that certain provisions were contrary to customs and practices which, by their nature, could be modified only with the passage of time and the evolution of society. Such changes depended, however, on political will and on the Government's commitment to the aims pursued. The Committee wished to know what the Government had done since ratification to promote and trigger such changes in society.

10. **Ms. Begum** wished to know what the timetable was for adoption of the family code, the drafting of which, according to the Government's responses, had not been completed because of sociocultural obstacles.

11. **Ms. Gaspard** similarly wondered whether there was any timetable for withdrawal of the State party's reservations. It would also be useful to know whether the limits to the scope of the 1804 Napoleonic Civil Code, referred to in the periodic report (para. 1.2.1), had been dictated by discriminatory practices embedded in customary law.

12. **The Chairperson**, speaking as a member of the Committee, asked how soon the State party expected to be able to ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Information would also be appreciated about any impediment to the State party's implementation of the Convention on account of its reservations regarding article 2, in particular paragraph (f).

13. **Ms. Abdourhaman** (Niger) acknowledged that the reservations had been entered because of sociocultural constraints at a time when the leading

concern had been to allay political tensions. Advocacy measures were already in place to foster the necessary changes in attitudes, in particular the publication and dissemination of booklets on the quota law and on Islamic arguments in support of gender equity. The contradictions noted did exist but they were warranted and would eventually be ironed out.

14. **Mr. Adama** (Niger) said that custom was part of the personal law of the bulk of the population and that, since the colonial period, it had been felt necessary to maintain it. The legislator had not felt it desirable at that time to introduce brutal changes into customary laws, provided that they conflicted neither with the requirements of public order nor with any international instruments ratified by the State. However, the parties to any dispute could choose not to refer to custom, in which case primary responsibility for its application rested with the judge. Custom would change in line with the general evolution of society, itself linked to the evolution of the world.

15. The Napoleonic Civil Code was described in the report as only partially applied, in the sense that the parties to a dispute could choose to have certain provisions of the Code apply or not. With regard to the place of the Convention in the Niger's legal system, he noted that the Convention was directly applicable, took precedence over laws and had the same authority as the Constitution. Responding to a question about recourse procedures, he pointed out that most cases involving some form of remedy arose from an administrative decision that was being appealed, and recourse was available within the administrative legal system. Although the Penal Code did not deal specifically with discrimination against women, sexual harassment, for instance, was specifically listed as a criminal offence.

Article 3

16. **Ms. Chutikul**, noting the succession of national policies and strategies adopted since 1996, asked what was new in the national gender policy adopted in 2007 and who was responsible for its implementation, coordination and evaluation. She requested more information on the links between the National Institute for Monitoring the Advancement of Women and the Ministry for the Advancement of Women and Protection of Children and on the monitoring instruments and indicators that had been set up to measure progress in women's advancement.

17. **Ms. Gaspard** asked what had been done to involve the media in promoting the advancement of women and what was the status of the adoption of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. She urged the Ministry to use the media to mount campaigns to combat illiteracy and promote the importance of schooling for girls.

18. **Ms. Neubauer** requested more information on the human resources assigned to implement the national gender policy and on the specific coordination structures established between the Ministry, the National Institute and the focal points. She also asked what had been done to evaluate the successes and failures of earlier policies and strategies so that the new policy could be made more effective.

19. **Ms. Gabr** asked how the Ministry, working with other Government bodies, civil society and non-governmental organizations, coordinated responsibilities and avoided duplication of efforts in the promotion of the advancement of women. She also asked how new laws were prepared and how the report had been prepared.

20. **Ms. Schöpp-Schilling** asked whether court decisions in discrimination cases were published. She also requested more information on monitoring mechanisms, data collection and indicators used by the National Institute for Monitoring the Advancement of Women and its subsidiary bodies. Noting that the agricultural trade negotiations under way between the European Union and the Economic Community of West African States, of which the Niger was a member, would lead to macroeconomic policies that could have a negative impact on rural women, she asked whether the Government had studied the gender consequences and food security impacts of such policies. It was important to ensure that human rights considerations were borne in mind in such negotiations.

21. **Ms. Abdourhaman** (Niger) said that, since the adoption of the national policy for the advancement of women in 1996, new platforms and strategies had been adopted at the international and regional levels that forced the Government to develop new policies and plans at the national level, including the more recent national strategy for the implementation of the Convention and the national gender policy, all of which helped to create an enabling environment for women. The National Institute for Monitoring the Advancement

of Women was a rather open institution that involved Government and civil society actors, monitored implementation of the national plan of action and reported to the Government with suggestions for action where needed. The provincial branches of the Institute performed similar functions at the local level but were, like the National Institute, understaffed and underfunded and relied heavily on inputs from and action by non-governmental organizations.

22. Consultations with women's organizations were under way regarding the ratification of the Protocol to the African Charter and she hoped that action would be taken soon without recourse to reservations. The barriers facing women in their effort to advance were well-known and included poverty, lack of information about their rights and opportunities, and lack of confidence. Her Ministry was working with the Institute and traditional leaders to change mentalities and attitudes, for example on early marriage. The Institute was also active in data collection and passed its information on to the Ministry for its database.

23. **Ms. Maïguizou** (Niger) said that illiteracy was a major problem in the country but school enrolment among girls had risen, thanks in part to the efforts of non-governmental organizations. The training of female teachers had also provided effective role models for young girls. Other incentives included the provision of bicycles to girls who stayed in school.

24. **Ms. Moussa** (Niger) stressed the importance of several of the pillars in the national policy for the advancement of women, in particular equality in access to social services, family planning, the campaign to combat violence against women and strengthening social protection.

25. **Mr. Adama** (Niger) said that trials were open and that the Penal Code authorized the publication of verdicts in certain discrimination cases. The media had access to trials and often published their own accounts. He had no national statistics on cases involving violence against women but his own experience in his district appeals court indicated that they were relatively few in number.

26. **Ms. Abdourhaman** (Niger) said that the Ministry had obtained financing from the African Development Bank for a project to develop a code on personal status based on gender equity. The report had been prepared by the Government following consultations with non-governmental organizations. Consciousness-raising and

familiarization with the Convention were important components of the Ministry's efforts and included work to change stereotypical attitudes in the courts, the media and other sectors where women faced barriers. There were focal points on gender issues in each ministry, but the turnover of staff in the ministries posed problems.

Article 4

27. **Ms. Shin** explained that temporary special measures were meant to accelerate de facto equality between men and women; she drew attention to the Committee's general recommendation 25 on that topic. She commended the Government on its adoption of the 2000 Quota Act, which had increased the number of women members of Parliament, and suggested that the scope of the Act should be extended to other areas, such as health and education, where percentage targets for the inclusion of women could also be set.

28. **Ms. Ousmane** (Niger) said that the Quota Act had been adopted as a consequence of ratification of the Convention. Women in the Niger had learned that they had not only duties but also rights, which they were no longer afraid to defend; they could run for office, be elected and vote and had already held important posts, including that of President of the Supreme Court.

29. The Quota Act stipulated that the proportion of elected candidates of either sex — not only women — must not fall below 10 per cent. However, since the Act's adoption, that minimum quota had been exceeded; the number of women in Parliament had risen from 1 to 14 (12 per cent of all seats) and 611 of the nation's 3,747 City Councillors (17 per cent) were women. Six government ministries, including the Ministry of Foreign Affairs, Cooperation and African Integration and the Ministry of Labour and the Modernization of the Civil Service, were headed by women, who were also represented in all branches of government and were involved in running elections and counting the vote. The President of the Republic had given women and children an important place in his economic policy.

30. **Ms. Abdourhaman** (Niger) said that the Government considered the Quota Act to be an example of positive discrimination because it had increased the number of women in high-level posts. Efforts were also being made to reduce the gender gap

in schools, including through the establishment of a department for the enrolment of girls. The Quota Act already applied to non-governmental areas, including the armed forces recruitment examination; since 2005, 25 per cent of new recruits had been women.

Article 5

31. **Ms. Tavares da Silva** noted that article 5 required States Parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women in so far as they were detrimental to women's enjoyment of their rights. It was stated in the report (p. 64) that, "according to customary law, there could be no equality between men and women in any circumstances" and that, despite legal provisions to the contrary, "the women of the Niger [were] therefore second-class citizens". The Government had attempted to address that problem by distributing a brochure on gender equity in Islam and sponsoring awareness caravans and radio and television programmes. However, a comprehensive strategy, including curriculum change, new textbooks, teacher training and a timetable for implementation, was needed. It should be borne in mind that the Convention did not require overnight change; the Government was, in fact, already doing a great deal in that area and should withdraw its reservation to article 5 (a) as a sign of its commitment to cultural change.

32. **Ms. Pimental** noted from the Government's replies to questions 11 and 13 on the list of issues that, while the Constitution enshrined equality and prohibited discrimination, customary law prevailed in many areas related to family life. She would welcome details on the government-sponsored gender equity brochure, awareness campaign and media programmes.

33. She also noted that the Niger had no comprehensive strategy to combat violence against women and requested information on the scope, methodology, content and outcome of the framework for consultation among actors involved in combating violence and discrimination against women and children.

34. **Ms. Arocha Domínguez** said that the report did not provide sufficient information on the implementation of article 5 (a). Clearly, the Government agreed that steps must be taken to modify traditional practices that were detrimental to women. However, while she recognized that attitudes and

cultures were slower to change than legislation, more rapid progress was needed. Poverty, illiteracy and isolation tended to perpetuate negative cultural patterns; she would appreciate information on specific steps taken to combat discrimination, particularly in rural areas; on the impact of the awareness caravans and other measures; and on any relevant programmes sponsored by non-governmental organizations (NGOs).

35. **Ms. Simms** said it was clear from the delegation's presentation that, despite the Government's reservation to article 5 (a) of the Convention, efforts to overcome negative social and cultural patterns were being made and the courts were wrestling with the dichotomy between custom and law. However, slavery persisted in the Niger. It was not a customary practice, but rather a denial of fundamental human rights that could not be allowed to continue in a democracy. Slaves were owned, body and soul, by their masters and women were at the very bottom of that hierarchy. She asked how many slave owners had been tried and convicted since the preparation of the report, how many people had been charged with female genital mutilation and how many new jobs had been found for the older women who performed that procedure and would continue to do so unless they were provided with another source of income.

36. **Ms. Coker-Appiah** encouraged the Government to show the necessary political will by withdrawing its reservation to article 5 (a). Culture and custom were often used to justify discrimination against women, who represented over half of the nation's population. In order to develop as a country, however, the Niger needed to change the way in which women, who were an integral part of the development process, were perceived.

37. She asked the delegation to summarize the findings of the 2006 study on domestic violence and to tell the Committee how prevalent that problem was and what the Government was doing to encourage victims to report such violence, which they were often reluctant to do for fear of repudiation.

38. **Ms. Gabr** said that, according to information from various sources, slavery remained a serious problem despite its prohibition in 2003; she requested further information on that point.

39. Many predominantly Islamic countries, and many African countries, had ratified the Convention without any reservation to article 5; she suggested that the

Government conduct a study with a view to withdrawing its reservation to article 5 (a).

40. Lastly, she encouraged the Government to ensure equity in the treatment of men and women during the pilgrimage to Mecca.

41. **The Chairperson**, speaking as a member of the Committee, noted that the Committee's general recommendation 19 made it clear that violence against women was covered by article 1 of the Convention and constituted a human rights violation. Countries in all parts of the world were working to address that problem; the Secretary-General had issued an in-depth study on all forms of violence against women (A/61/122/Add.1) in 2006 and the Committee of the Niger on Harmful Traditional Practices (CONIPRAT) had been in existence since 1990. She would therefore appreciate an update on the problem of female genital mutilation in the Niger and information on the work of the 218 village "monitoring squads" and on the "beneficial practices" promoted by CONIPRAT (CEDAW/C/NER/Q/2/Add.1, pp. 10 and 9, respectively). It would also be useful to know whether any shelters for women victims of violence had been established.

42. **Ms. Ousmane** (Niger) said that cooperation between NGOs and the Ministry for the Advancement of Women and Protection of Children had reduced the rate of female genital mutilation from 5 per cent to 2.2 per cent.

43. The Niger was a democracy under the rule of law and slavery existed only in isolated instances. All citizens knew their rights under the law and it was highly unlikely that any of them would allow themselves to be sold or forced to perform degrading work; today, a former slave could marry into the nobility. The Niger was a secular State, but the vast majority of its people were Muslims and obstacles to the elimination of discriminatory practices were inevitable. However, all forms of degrading treatment were punishable by law and any citizen could complain of ill-treatment.

44. **Mr. Adama** (Niger) said that the legal system of the Niger embodied both written and customary laws and some customs had come into conflict with the demands of changing times. Particularly among youth, attitudes regarding gender equality were clearly evolving. His country was taking steps to combat harmful customs but that task was time-consuming. Absolute equality between women and men was

enshrined in the Constitution and a major reform of civil, commercial and penal laws was under way with a view to implementing that equality and bringing laws into harmony with modern times. Thus, for example, it could be expected that a new Family Law Code more in keeping with modern standards would be enacted.

45. It had been asked whether article 8 of the Constitution was effective in light of the 1962 law providing for application of custom in certain family law matters. That law could not prevail over the Constitution, but shortcomings could be observed in implementation. The 1962 and the 2004 laws contained safeguards providing that custom did not apply generally and necessarily. The parties to a dispute could mutually agree that custom would not apply and request application of the rules of the Civil Code. When a custom was obscure or at odds with a properly ratified international convention, with public policy, or with personal liberties, it did not apply. With regard to violence against women, the courts could deal with facts and compile statistics only when cases were brought before them. Looking at the cases within the purview of the Court of Appeals of Niamey, which had the largest docket, isolated abuses should be distinguished from general trends. The incidence of acts of violence against women was not greater than in other societies. In the Niger, charges of violence in the home, rape or indecent assault could be filed by the victims themselves or by anyone else with knowledge of the event, and the Penal Code provided severe penalties for those and other acts of violence. Such cases were prosecuted regardless of whether a husband was the person charged. In certain cases, the public prosecutor could refrain from pressing a case if a judge decided that that would be the best means of protecting family property or the best interests of the children.

46. It was surprising to hear it suggested that there was slavery in the Niger. In international instruments and in the Niger's Penal Code, slavery was defined as the application of certain property rights to a human being. So defined, slavery did not exist in the Niger, although there remained vestiges of it in certain pejorative usages addressed to persons whose ancestors had been slaves. Nevertheless, even before the issue had arisen following a newspaper article, the Niger had acceded to international conventions concerning the issue at the time of its independence and had had provisions in article 269 of its Penal Code of 1961 prohibiting deprivation of liberty and punishing all

forms of involuntary servitude. Trafficking in persons was likewise punishable, as was any manifestly unlawful form of assault. Since 2000, specific legislation had been enacted declaring slavery proper a crime against humanity and a capital crime not subject to any statute of limitations. Likewise, a form of misdemeanour slavery (*délit d'esclavage*) had been enacted criminalizing certain forms of conduct against persons subjected to servitude.

47. **The Chairperson** said that questions concerning slavery had no doubt been prompted by the fact that the report of the Niger (CEDAW/C/NER/1-2) had made reference to slavery on pages 22 and 29.

48. **Ms. Abdourhaman** (Niger) said that, although the Niger had entered reservations to the Convention at the time of ratification, its actions had forged ahead with changing patterns of behaviour. On the question of media publicity about women's rights, she noted that national radio broadcasting services reached all villages in the Niger, together with private radio and 171 community radio stations broadcasting in local languages. As a result, women in the Niger had become aware of their rights and duties. Cassettes were likewise used to disseminate information, as were "awareness caravans", covering topics such as female genital mutilation, civil status and legal remedies available to women. Women had access to judges who accompanied the caravans and would listen to their questions, voiced through their own chosen spokespersons, on what to do about acts of violence against them. There was a yearly event called "Five Days of Activism", as well as debates on television and radio covering the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Arguments had been drawn from the Niger's Islamicized customs to show that the Convention provisions were not contrary to the country's mores and religion and that the reservations could be withdrawn.

49. The Government's joint programme for gender equality, endorsed by all ministries, had the support of NGOs and United Nations agencies. Each year, NGOs indicated which activities they would pursue and, if they were eligible, received funding for them.

Article 6

50. **Ms. Begum** said that the report of the Niger made reference to several forms of trafficking and

exploitation, bonded labour and forced labour, forced marriage and early marriage, trafficking in the guise of marriage, where a girl was taken away from her family forever and married to a man purely for breeding purposes, and “trade in women commoners” between the Niger and Nigeria, in which men wishing to fulfil their religious duty took a woman as their fourth wife for bonded labour. It was mostly women living in rural areas where about one third of the population was under the age of 15, as well as refugees and asylum-seekers who fell victim to those forms of trafficking. The Special Rapporteur on Violence against Women had reported that internal trafficking included child marriages of girls. Thus, it appeared that the Niger was a country of origin, destination and transit and also had internal trafficking. What strategies, policies and effective steps had the Government initiated to stop those severe human rights abuses, including combating and criminalizing trafficking in persons? The problem being a cross-border issue, did the Niger have any regional or bilateral initiatives to protect victims and punish perpetrators? Did the Government have any preventive programmes or forms of assistance for victims, such as shelters? Were refugees and asylum-seekers admitted to shelters? Was there any mechanism to provide psychosocial counselling for them? Were there reintegration programmes? What was the status of the draft law to criminalize trafficking and the time frame for its adoption?

51. **Ms. Chutikul** said that the Niger was to be commended on its ratification of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons. What was the status of the bill against trafficking that the Niger had drafted in 2006? Did that bill contain a very clear definition of human trafficking? Had the National Plan of Action to Combat Trafficking drafted by an inter-ministerial committee in 2006 been implemented? Were implementation and coordination of those activities handled by the Ministry for the Advancement of Women and Protection of Children? Pursuant to the Convention on the Rights of the Child, a recommendation had been made that the Niger should conduct a study on commercial sex exploitation, including prostitution, pornography and trafficking. Had the Ministry been able to conduct that study? If so, what were the findings and how were the results used? How many countries had signed the 2005 agreement with Côte d’Ivoire on multilateral cooperation to combat trafficking and were there any joint activities or continued cooperation?

Articles 7 and 8

52. **Ms. Neubauer** said that the Niger had been making commendable efforts to secure women’s rights under articles 7 and 8 of the Convention, notably legal measures and measures for the advancement of women. Article 7 obliged States parties to ensure that women enjoyed equality with men in political and public life, but political and public life in the Niger continued to be dominated by men. The quotas set for public offices seemed too low to support the principle of equality. As the results of recent elections had shown, the electorate favoured a quota higher than the 10 per cent set by legislators. Moreover, the quota of 25 per cent for appointive offices had not been achieved at all levels of Government decision-making, at all levels of the central and decentralized administrations, in State companies or in diplomatic missions. Were more accurate data available regarding the share of women in appointive posts in political and public life? That would permit an assessment of the participation of women compared to men, which was not possible if only absolute numbers were provided for women. If such data were not available, they should be provided in the next report. The Minister had stated in her introductory comments that her Government was determined to accelerate the process of achieving equality for women. Was there a serious intention to raise the quota set under the Quota Act in order to achieve equal participation of women as candidates for elections and their full and equal participation in policy formulation in all sectors and at all levels?

The meeting rose at 1 p.m.