



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 February 2024

Original: English

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

Summary record of the 2032nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 30 January 2024, at 3 p.m.

Chair: Ms. Peláez Narváez

Contents

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

Fifth periodic report of the Niger (continued)

This record is subject to correction. Corrections 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 the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



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

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

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

1. *At the invitation of the Chair, the delegation of the Niger joined the meeting.*
2. **The Chair**, welcoming the head of delegation and the Permanent Representative of the Niger to the meeting, explained that most members of the delegation would be participating via video link.

Articles 1–6

3. **Mr. Labo** (Niger) said that the Niger had been one of the first States to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. The law ratifying the Convention – which included provision for measures in the areas of prevention, protection, assistance, resilience-building and disaster-preparedness – also envisaged criminal penalties for acts of abuse or ill-treatment against internally displaced persons or the humanitarian workers who assisted them. A national displacement observatory had been created and a committee for the prevention of internal and forced displacement had been established. Women and children were the focus of the Government's strategy for the law's implementation.

4. **A representative of the Niger** said that, as at 30 June 2023, there had been over 400,000 internally displaced persons in the Niger, of whom nearly half were under the age of 17 and almost 180,000 were women.

5. **A representative of the Niger** said that the National Gender Policy, which was the cornerstone of government action in the field of women's rights, had given rise to a strategy to prevent and respond to gender-based violence and sexual exploitation. The strategy had been revised in 2023, and a new four-pronged strategy had been developed for the period 2024–2028, focusing on training, prevention, response and coordination. An amount of 5.830 billion francs CFA (FCFA) had been allocated for its implementation. A strategy for women's economic empowerment was also being rolled out. That also had a bearing on gender-based violence, as it had been found that women in a weak economic position ran a greater risk of becoming victims of violence.

6. **A representative of the Niger** said that three centres for victims of human trafficking had been established, although only one was operational. It had capacity for 40 persons but was currently empty, which was a sign of a decline in the incidence of trafficking. The centre was staffed with qualified personnel who were able to provide psychosocial and legal support.

7. Following a visit to the Niger, the Special Rapporteur on contemporary forms of slavery had called on the Government to criminalize the practice of *wahaya*. Her concerns had been addressed, as the Criminal Code had been amended so that *wahaya* was no longer admissible on any grounds and persons practising it were subject to prison sentences of 10 to 30 years.

8. Female genital mutilation had been designated as an offence under the Criminal Code since 2003. However, in view of the fact that the practice persisted, the Government had taken further steps, notably by introducing aggravating circumstances that carried harsher penalties if the perpetrator was a medical professional or if the victim was a minor or a woman in a situation of vulnerability.

9. **Mr. Daouda** (Niger) said that his country had acted to criminalize slavery, which was considered to be a form of human trafficking and was recognized as such in the relevant ordinance. The Niger had therefore acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Persons who engaged in trafficking, slavery or practices similar to slavery faced increased penalties if they held a position of

authority over the victim or if the victim was in a situation of vulnerability or had disabilities, all of which were aggravating circumstances. Eight persons had been convicted for trafficking offences in 2021, and 10 in 2022. Alongside the three centres for victims of human trafficking, which were organizationally under the court system, a fourth structure had been opened by the Ministry for the Advancement of Women and Protection of Children, which also took in trafficking victims.

10. **The Chair** said that she was concerned about the fact that a considerable number of questions raised by the Committee, notably under article 5 of the Convention, had gone unanswered. She looked forward to receiving, within 24 hours, written replies on those outstanding issues, which included violence against women, stereotypes, harmful practices such as female genital mutilation and *wahaya*, the implementation of the strategy to combat gender-based violence and action to address gender-based violence in situations of conflict.

11. **Ms. Akia** said that she wished to know when the amended Criminal Code, which criminalized *wahaya* and decriminalized abortion, would be enacted.

Articles 7–9

12. **Ms. Manalo** said that she wished to know what mechanisms were in place to investigate acts of violence and other human rights abuses against women and girls perpetrated by members of the security forces or armed groups. What penalties had been imposed on perpetrators of violence against women in situations of conflict? She would appreciate it if the delegation could inform the Committee how women and girls who were asylum-seekers, returnees or displaced persons were able to gain access to food, water, sanitation services and shelter, and how they could obtain identity documents. She hoped that the delegation could inform the Committee about the resources allocated to the national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security and could provide information on the State party's intention to adopt a new plan for the subsequent period.

13. The Committee would be interested to learn about the rate of compliance with the quota system for elected posts in the Government and in the State administration. The delegation was invited to provide statistics on women's participation in public and political life, both as voters and as candidates, at the local and national levels, including in the last general elections. What measures were taken to promote and encourage women's involvement in political life? Lastly, she hoped to hear about the role that women in the Niger played in foreign relations and the diplomatic service.

14. **Ms. Dettmeijer-Vermeulen** said that the Committee had noted a steadfast resolve on the part of the authorities to tackle statelessness, for example with the adoption in 2014 of a law which envisaged dual nationality and eliminated gender discrimination in the transmission of nationality through marriage. However, in the absence of an institutional mechanism for determining statelessness, it was not easy to see how the State party intended to identify and protect the rights of stateless persons, including women and girls. What steps were being contemplated to address that fundamental problem? She also wished to know if the 2019 National Action Plan to Fight Statelessness in the Niger had been evaluated and whether a new action plan had been adopted.

15. She invited the delegation to elaborate on the work of the technical committee tasked with revising the legal framework on asylum to prevent statelessness among displaced persons, and to inform the Committee about the findings of a 2020 study on the situation of statelessness and the risk of statelessness. Did that study incorporate gender-related dimensions?

16. The Committee would be interested to hear about policies relating to the deportation of stateless persons, including women and children, before their status could be properly determined. What safeguards were in place to protect the right of such persons to obtain legal documentation? Although the State party had made progress in the area of civil registration over the previous 15 years, gaps and challenges remained, particularly in terms of institutional and administrative capacity. At the same time, crises, including persistent armed conflicts, the coronavirus disease (COVID-19) pandemic, climate change and forced

displacement, all interfered with civil registration processes. Could the delegation explain how those challenges were being addressed?

17. **A representative of the Niger** said that the National Action Plan to Fight Statelessness in the Niger had not yet been evaluated and a new plan had not yet been adopted. A mechanism for determining statelessness was due to be established in the context of a forthcoming review of asylum legislation.

18. **Mr. Labo** (Niger) said that replies to the questions on articles 7 and 8 would be provided to the Committee in writing.

19. **A representative of the Niger** said that a census conducted in 2023 had revealed a total of over 38,600 children displaced as a result of conflict. As part of the Government's efforts to protect such children, measures had been taken under an emergency education system to ensure that they could all continue their schooling. Over 13,700 of those children were from other countries, such as Burkina Faso, Mali and Nigeria. Additionally, in the region of Tillabéry, the Government, with foreign cooperation, was developing and implementing an initiative whereby community support structures were mobilized to ensure that displaced children from other countries were able to enrol in school.

Articles 10–14

20. **Ms. Bonifaz Alonzo** said that she would like to know what efforts were being made to improve the efficiency of the Ministry of National Education in order to increase equal access to education for boys and girls and enhance the quality of education at all levels. It would be useful to the Committee to learn how the State party geared the primary education curriculum to help counter gender stereotyping and how it fostered leadership and critical thinking among girls in order to provide them with the skills necessary for making decisions.

21. How did the State party plan to make further disaggregated data on education available with a view to improving education policy and monitoring results?

22. She would like to know what the State party was doing to keep educational facilities safe by protecting them from attack and preventing them from being used for military purposes. She wondered whether alternatives were being developed in order to prevent security problems from disrupting children's formal education and to ensure that refugee and migrant women and girls, and women and girls with disabilities, could exercise their equal right to education.

23. What plans were in place to give adolescent girls access to sanitary products so that their school attendance was not disrupted with the onset of menstruation? What was being done to ensure that girls and young women could resume their education if they had dropped out because of early pregnancy?

24. She would be interested to know how, in order to prevent the digital divide from growing, the State party planned to guarantee the supply of electricity to all schools so that children could have access to the Internet. Lastly, the Committee would like to find out whether there was a programme to provide meals at school as a means of improving children's academic performance.

25. **Ms. Haidar** said that, in the light of recent legislative developments, including the suspension of the Constitution, she wished to know how the Government currently ensured that women were protected from discrimination in the workplace and how it intended to ensure effective implementation of the relevant labour legislation in the future. Did it intend to establish effective monitoring mechanisms? She wondered what further measures it planned to take to address sexual harassment in the workplace and whether they included programmes to raise awareness of legal remedies among victims of discrimination and sexual harassment.

26. She would like to know what mechanisms the State party intended to put in place to collect disaggregated data on women's participation in the labour force and on reported cases of discrimination and sexual harassment. In view of women's under-representation in the labour force and their unequal access to employment opportunities, she would be interested to know what measures were envisaged to create opportunities and facilitate access to

employment for women and girls, particularly those from rural areas. Did the State party offer any professional or vocational training specifically intended for women?

27. The Committee would like to find out whether the State party intended to increase the number of women in management positions, for example by addressing stereotypes preventing women from being promoted into decision-making positions. Were there any plans to repeal the legislation that currently restricted their right to choose their profession? She would like to know whether the State party intended to address the significant gender pay gap and the unequal distribution of unpaid care and household activities between men and women. How did it address the specific needs of women in the informal sector, who were not covered by the social security scheme?

28. **A representative of the Niger** said that the State had a number of measures in place to support girls' education. Nearly 33,000 girls from poor families received scholarships and assistance of other kinds. Assistance was also provided to families hosting girls who had moved away from their own villages in order to attend school.

29. The State was working with its technical support partners to produce sanitary kits for girls in order to prevent them from dropping out of school with the onset of menstruation. As for stereotyping, girls were encouraged to pursue the same careers and courses as boys. Under an excellence programme targeting girls, a girls-only science high school was to open shortly under a pilot project designed to encourage girls from vulnerable backgrounds to choose science as a field of study. Similar schools were planned to begin operating in all regions starting in the next school year. Other high schools for excellence were open to both boys and girls. Girls accounted for almost half of the students there.

30. The State provided support to vulnerable girls and women who had dropped out of school, encouraging them to attend facilities where they could catch up on their education. There were 1,500 such centres throughout the eight regions of the country.

31. State-run boarding schools had been established partly in order to avoid girls having to go from one village to another to attend school, which exposed them to risk, and to reduce the rate of early pregnancy and motherhood, and partly to cater for girls from remote villages, who generally had a low level of academic achievement. Girls at such schools received a great deal of support, including remedial courses in mathematics, French and life skills.

32. Thus, despite the weakness of the economy and the prevailing political situation, the Niger continued to promote opportunities for girls and women. Provision was also made for income-generating activities in order to develop the country's human capital.

33. **Mr. Labo** (Niger) said that he wished to make clear that, notwithstanding the suspension of the Constitution, the law guaranteeing free education for all children was still in force and applied to all.

34. In response to attacks on schools, safe facilities for children were provided in the centres set up for displaced persons in insecure parts of the country, which enabled the children there to receive an education on an equal footing with children in regions of the country where there was less upheaval and unrest. The importance attached by the Government to education in all circumstances, including in less secure regions, had been demonstrated at the international level in February 2023, when, with other partner countries, it had organized an international conference on financing for education in emergency situations.

35. A national connectivity programme had been launched by a civil society organization working with information technology. The aim was to connect more than 1,000 schools across the country and thus enable children to access the Internet and develop key information and communications technology skills. Digital literacy was a vital contribution not only to children's individual development, but also to the country's economic and social development.

36. No provision of the Labour Code permitted discrimination of any kind in terms of recruitment, remuneration or pay or in any area concerning an individual's professional development, in either the private or public sector. Moreover, in no sector of employment

were stereotypes systematically applied. Nothing in domestic law stipulated that women could not work in a given job, activity or profession.

37. As for women's representation in decision-making posts and senior positions, again there was no restriction on women applying for or occupying such posts, which were awarded solely on the basis of the individual's competence and skill set. Nevertheless, in order to increase the number of women in such positions in the civil service, legislation had been passed reserving a quota, similar to the one for parliamentary representation, of 25 per cent of senior decision-making posts for women in any sphere of State activity. Also, private companies were encouraged to introduce measures to promote gender equality at all levels, including in senior posts. In that context, the Niger sought to apply international standards such as the 2030 Agenda for Sustainable Development and Agenda 2063 of the African Union.

38. Over 80 per cent of the working population in the Niger were engaged in some form of agriculture or in livestock raising. Women in rural areas particularly were key to the realization of the policy goal of food sovereignty across the national territory. State support measures were available to rural women for personal development or the development of their agricultural activities.

39. Sexual harassment was prohibited both in the workplace and in public areas. However, for the criminal law to be enforced, the victim needed to lodge a complaint, failing which neither the Government nor the courts could take action. However, if a complaint was lodged, it was transmitted to the appropriate authority and the relevant judicial procedures were set in motion, as for any other legal action.

40. **Ms. de Silva de Alwis**, commending the State party for its leadership in sponsoring, along with Norway, Security Council resolution 2601 (2021) on the protection of education in armed conflict, said that she would like to know how the Niger applied that resolution. How did it encourage all States to provide safe schools and safe education in times of conflict, insecurity and fragility, including during pandemics and transition processes, not only at home but around the world?

41. **Ms. Bonifaz Alonzo** said that she wished to commend the State party for its successful efforts in the areas of the provision of free health care for pregnant women and children under the age of 5, the expansion of national health-care coverage and the provision of reproductive health care to mothers, and in combating female genital mutilation. She would like to know what the prospects were for moving forward with the recent initiative to legalize abortion in certain circumstances. Would awareness-raising campaigns be conducted in order to ensure that the law, once amended, would be effectively implemented?

42. She would be interested to know what steps the State party was taking to guarantee the sexual and reproductive health of women in general, given that the Niger had the highest rate of child marriage in the world, a birth rate of more than six children per woman and a high maternal mortality rate. The Committee would like to know whether any campaigns to prevent early pregnancy were planned.

43. The Committee would like to hear more about the State party's "schools for husbands and future husbands", which were designed to help men drop prejudices that hindered women from accessing health-care facilities, and would like to find out whether they had been effective.

44. **Ms. Akia** said that there were gender gaps in agriculture, such as differences in men's and women's crop yields and women's more limited access to land ownership, technology, smart agricultural techniques and knowledge and skills. She would like to know what steps the State party was taking to invest in the activities and skills of women farmers and smart agriculture and to mitigate climate shocks in order to increase women's agricultural productivity. Doing so would help them become economically empowered and make a greater contribution to food security and the eradication of poverty.

45. She would like to know what efforts were being made to collect reliable statistics, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women belonging to disadvantaged or marginalized groups. The Committee would be interested to hear how the State party was addressing the impacts

of climate change on such women. What steps was it taking to increase access to electricity for power and lighting in order to support women, including women living in difficult humanitarian situations? The Committee would also like to know what steps the State party was taking to ensure the effective delivery of public services to women who were asylum-seekers, refugees or displaced persons.

46. **Ms. Haidar** said that she was concerned about the discriminatory nature of certain articles of the Labour Code which stated that employers could not hire women when the job environment would affect their ability to bear children. In addition, an article of the Civil Code stated that husbands could oppose their wives' career choices. Both showed that stereotypes undermined equal access to work.

47. **Mr. Daoud** (Niger) said that the classification of some professions as affecting women's ability to bear children was a protection measure, not a discriminatory one. He was unaware of any cases in which a husband had opposed a wife's career choice.

48. The Niger had a well-trained army that was accompanied in each theatre of operation by a unit of the gendarmerie. That unit carried out the judicial police's mandate to record any violations of international humanitarian law and human rights law, including those prohibiting attacks on schools. The challenges encountered in implementation were due to the asymmetrical nature of the armed conflict in the Niger. Armed groups often carried out surprise attacks and used military equipment taken from the defence and security forces. As a result, blame was often incorrectly placed on those forces.

49. **Ms. Bethel** said that she would like to know whether any policies were in place to prevent rollback in the advances that Mr. Daouda had mentioned in his opening statement. She wished to know how the National Strategy for Women's Economic Empowerment and the national action plan for women (2009–2018) had affected the socioeconomic empowerment of women, including women with disabilities. She was keen to know how the training programmes under the poverty reduction strategy had improved women's economic livelihoods and had assisted women running income-generating enterprises in facing challenges. Had the State party assessed the effects of that strategy on women's socioeconomic empowerment more generally?

50. It would be useful for the Committee to know whether any affirmative policies were in place for women's socioeconomic empowerment. She would appreciate information on how the State party engaged or intended to engage with non-governmental organizations, religious leaders and men and boys to communicate its position in favour of women's empowerment and to raise awareness that related policies were urgently needed for national development. She wondered whether any steps were being taken to address the deeply rooted cultural norms that undermined that empowerment, such as obstacles to their ownership of land and property and their participation in decision-making, and stereotyped roles in the family.

51. The Committee would like to know what social protection measures were in place for women in vulnerable situations, including women engaged in the informal economy, single mothers, widows, women and girls with disabilities, women severely impacted by the COVID-19 pandemic and women whose work had been affected by the climate crisis. The Committee had received reports that the members of such groups were unable to meet the administrative requirements to apply for such protection on their own.

52. **The Chair**, turning to articles 12 and 14, requested the delegation to submit its replies to the Committee's remaining questions on those articles in writing.

Articles 15 and 16

53. **Ms. González Ferrer** said that, considering that the Niger had one of the highest rates of child marriage in the world, she would like to know whether there were any plans to criminalize underage marriage and the practice of *wahaya*. She wondered whether there were any measures in place to train persons working in the systems of both positive and customary law on gender issues and to increase their accountability for addressing issues related to marriage and family relations. The Committee would like to know how the State party

guaranteed justice for victims who had been kidnapped by members of the armed forces and forced into marriage.

54. She wished to know whether any actions were being taken to address well-rooted stereotypes and prejudices that often gave women an inferior status to men, and to foster a legal culture to address the risk of gender inequality, including in the context of marriage, inheritance and contracts. She wondered whether the State party had taken any action to influence the work of traditional leaders who, during marriage conflicts, often acted as judges, mediators or counsellors outside the framework of the law.

55. It would be of interest to find out whether any debates were taking place in academia or in legal or policymaking circles that might allow the State party to reinterpret certain sociocultural concepts in order to withdraw its reservations to articles 15 and 16 of the Convention.

56. **A representative of the Niger** said that multifunctional platforms had been established across the country, thus allowing women to lighten the burden of their household work so that they could participate more readily in political and community decision-making meetings and thus contribute to local development. Business management training had been given to female entrepreneurs.

57. **Mr. Daouda** (Niger) said that measures had been taken to prevent rollback in advances for women, especially in respect of women living in rural areas.

58. **Mr. Labo** (Niger) said that, owing to connectivity issues that had not allowed Mr. Daouda to fully respond to the Committee's follow-up questions, additional answers would be provided in writing. He would like to thank the Committee for the questions asked during the constructive dialogue. The Government considered its dialogues with the human rights treaty bodies, and interactions with other human rights mechanisms, to be capacity-building exercises in the technicalities of incorporating international human rights concepts into national legislation. When it attempted to raise awareness of the rights enshrined in the Convention, illiteracy among the general population posed substantial challenges.

59. **The Chair** said that she would like to thank the delegation for the constructive dialogue. She encouraged the State party to take all the measures necessary to address the Committee's recommendations so as to allow for a more comprehensive implementation of the provisions of the Convention in the Niger.

The meeting rose at 5 p.m.