



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the second periodic report of the Niger*

1. The Committee considered the second periodic report of the Niger¹ at its 594th and 595th meetings, held on 8 and 9 April 2025.² At its 608th meeting, held on 17 April 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State Party, which was prepared in response to the list of issues prior to reporting,³ as well as the additional information provided during the dialogue by the multisectoral delegation headed by Alio Daouda, Minister of Justice and Human Rights, and consisting of representatives from the Permanent Mission of the Niger to the United Nations Office and other international organizations in Geneva, the Office of the Prime Minister, the Ministry of Justice and Human Rights, the Ministry of the Civil Service, Labour and Employment, the Ministry of the Interior, Public Security and Territorial Administration and the National Agency for the Fight against Trafficking in Persons.

3. The Committee appreciates the dialogue held with the delegation, the information provided by the State Party's representatives and the constructive approach to the meetings, which allowed for collaborative analysis and reflection. The Committee is also grateful to the State Party for its replies and the additional information it submitted within 24 hours of the dialogue.

4. The Committee recognizes that the Niger has made progress in protecting all the rights of migrant workers and members of their families. It notes, however, that as a country of origin, transit, destination and return, the State Party faces a number of challenges in protecting these rights.

B. Positive aspects

5. The Committee notes with appreciation the ratification of or accession to the following instruments:

(a) The Employment Policy Convention, 1964 (No. 122) of the International Labour Organization (ILO), on 6 June 2018;

* Adopted by the Committee at its fortieth session (7–17 April 2025).

¹ CMW/C/NER/2.

² See CMW/C/SR.594 and CMW/C/SR.595.

³ CMW/C/NER/QPR/2.



(b) The ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), on 15 March 2018;

(c) The ILO Maternity Protection Convention, 2000 (No. 183), on 10 June 2019.

6. The Committee also notes the adoption of Decree No. 2017-682 of 10 August 2017 on the regulatory part of the Labour Code, article 4 of which prohibits any discrimination in employment and occupation.

7. The Committee also welcomes the adoption of the following institutional and policy measures:

(a) The National Migration Policy for the period 2020–2035 with its five-year action plan;

(b) The National Strategy to Combat Irregular Migration and corresponding action plan, in 2018;

(c) The migration data platform within the National Surveillance Directorate.

8. The Committee notes with satisfaction that the State Party voted in favour of General Assembly resolution 73/195 adopting the Global Compact for Safe, Orderly and Regular Migration and that the State Party decided on 10 September 2021 to serve as a Global Compact Champion country. The Committee recommends that the State Party continue to make efforts to implement the Global Compact within the framework of its international obligations contained in the Convention and other international human rights instruments, in accordance with the Committee's general comment No. 6 (2024) on the convergent protection of the rights of migrant workers and members of their families through the Convention and the Global Compact.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee recognizes the multiple challenges facing the State Party, in particular the political and security tensions following the events of 26 July 2023. In addition, the withdrawal of the State Party from the Economic Community of West African States (ECOWAS) on 29 January 2025, food insecurity and the concerning effects of climate change may impede the full realization of the rights of migrant workers and members of their families under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

10. The Committee notes the information provided by the State Party during the dialogue that, following the suspension of the Constitution in 2023, Ordinance No. 2023-02 of 28 July 2023 on the organization of public authorities during the transition period was adopted. It notes with concern that the ordinance does not incorporate the provisions of the Convention or those relating to fundamental rights.

11. The Committee notes that the State Party does not have a specific and comprehensive legislative framework regulating the situation of migrant workers and members of their families. It notes with concern that the term "foreign worker" is used in national labour legislation and that the concepts of "migrant worker" and "members of the family of a migrant worker" are not. Furthermore, the Committee is concerned about the absence of court decisions referring to those concepts and of statistics on complaints from migrants that have been received and examined, and by reports that the fact that the Convention has not been incorporated into domestic law constitutes an obstacle to its application.

12. **The Committee encourages the State Party to:**

(a) Take all necessary measures to fully incorporate the Convention into domestic law, including by transposing its provisions into legislation, and ensure that national laws and policies are aligned with the provisions of the Convention and that the concepts of “migrant worker” and “members of the family of a migrant worker” are used in them, especially in labour legislation, including the Labour Code;

(b) Strengthen awareness-raising, training and capacity-building activities to ensure that the provisions of the Convention are known and taken into account by domestic courts and administrative bodies.

Articles 76 and 77

13. Noting the recommendation issued on 22 February 2022 by the Ministry of Labour that the declarations provided for in articles 76 and 77 of the Convention should be made, the Committee invites the State Party to make, without delay, those declarations recognizing the competence of the Committee to receive and consider communications from States Parties and individuals concerning violations of the rights established in the Convention.

Ratification of relevant instruments

14. The Committee welcomes the State Party’s ratification of the 10 ILO fundamental conventions and invites it to consider ratifying the following conventions: the Migration for Employment Convention (Revised), 1949 (No. 97), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190) and the Protocol of 1995 to the Labour Inspection Convention, 1947.

Comprehensive policy and strategy

15. The Committee recommends that the State Party ensure that its National Migration Policy covers all aspects of the Convention, is gender-sensitive and child-friendly and is applied using a human rights-based approach. The policy should be accompanied by effective measures, with clear time frames, indicators and monitoring and evaluation benchmarks. The Committee also recommends that the State Party provide sufficient human, technical and financial resources for its implementation.

Coordination

16. The Committee is concerned that the State Party does not have a body tasked with ensuring intergovernmental coordination in implementing the Convention at the national level.

17. The Committee invites the State Party to establish an appropriate body with a clear mandate and with the composition, powers and authority to ensure intergovernmental coordination of the implementation of the Convention at all levels of government, particularly in border areas, and to provide it with the necessary human, financial and technical resources.

Data collection

18. The Committee remains concerned about the lack of disaggregated data and statistics on the number and situation of migrant workers and members of their families in the State Party and on migrant workers of the Niger abroad.

19. **The Committee recommends that the State Party:**

(a) Establish, in accordance with target 17.18 of the Sustainable Development Goals and objective No. 1 of the Global Compact for Safe, Orderly and Regular Migration, a system for collecting data on the situation of migrant workers

and members of their families in the State Party, in particular those in an irregular situation, covering all aspects of the Convention; compile data disaggregated, inter alia, by sex, age, nationality, reason for entry into and departure from the country, type of work performed, particular categories of migrant workers, ethnic origin, migration status and disability; and provide publicly available statistics on foreign migrant workers, both in regular and irregular situations, migrant workers in transit, members of their families, nationals of the Niger working abroad and their conditions of employment, returnees, migrants in detention, children who migrate abroad, including unaccompanied children or children separated from their family, and spouses and children of migrant workers who are left behind in the State Party, with a view to effectively promoting human rights-based migration policies;

- (b) Ensure the coordination, integration and dissemination of such data and design indicators to measure progress and the results of policies and programmes based on such data;
- (c) Provide evidence based on studies or estimates where it is not possible to obtain accurate information regarding, for example, migrant workers in an irregular situation and migrants who have disappeared or died, particularly when crossing borders, including in the Sahara desert.

Independent monitoring

20. The Committee welcomes the accreditation with A status of the National Human Rights Commission by the Global Alliance of National Human Rights Institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It regrets the Commission's dissolution in October 2023 and the fact that a national human rights observatory which was supposed to replace it has not been set up.

21. **Referring to the recommendations of the Committee on the Elimination of Discrimination against Women,⁴ the Committee invites the State Party to re-establish a national human rights institution that is fully operational, independent and in compliance with the Paris Principles, seeking the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in this regard. The Committee recommends that this institution be provided with a strong mandate to proactively promote and protect the rights of migrant workers and members of their families under the Convention, including a complaints mechanism and a mandate to visit detention centres and other places receiving migrants, and with sufficient human, technical and financial resources to enable it to carry out its mandate effectively.**

Training on and dissemination of information about the Convention

22. The Committee notes with concern that the Convention is not widely disseminated and that not all migrant workers are aware of its existence. It regrets that the State Party has not taken any appropriate and systematic steps to make the Convention known to people working in the area of migration.

23. **The Committee recommends that the State Party take all measures necessary to ensure that:**

- (a) Migrant workers and members of their families have access to information and guidance on their rights under the Convention in all the languages commonly used in the State Party, without discrimination, in particular through pre-employment and pre-departure orientation programmes that include information on the conditions of admission and employment and the rights and obligations arising from the legislation and practice of the State of employment;
- (b) Training and awareness-raising programmes on the rights of migrant workers and members of their families under the Convention are put in place and made available to all officials and other persons working in the area of migration;

⁴ [CEDAW/C/NER/CO/5](#), para. 22.

(c) Cooperation with the media and civil society organizations is strengthened with a view to disseminating information about the Convention and promoting it throughout the State Party and in the destination countries of migrant workers of the Niger.

Participation of civil society

24. The Committee welcomes the report of the National Human Rights Commission and notes that the Ministry of Labour assisted civil society organizations in drafting their alternative report on the implementation of the Convention and that such organizations were consulted and involved at certain stages in the preparation of the State Party's report.

25. **The Committee recommends that the State Party:**

(a) Increase its support for the National Human Rights Commission and civil society organizations working with migrant workers and members of their families, in particular by providing them with the necessary tools and resources to contribute to the drafting and review of country reports and to facilitate the submission of their alternative reports in full independence, without fear of reprisals;

(b) Strengthen dialogue with civil society organizations and their involvement in good governance relating to migration, ensuring their freedom of action and protection in implementing the Convention.

2. General principles (arts. 7 and 83)

Non-discrimination

26. The Committee notes that the principle of non-discrimination enshrined in article 8 of the State Party's Constitution covers grounds such as sex and social, racial, ethnic and religious origin, and that any discrimination based on these criteria is punishable by law, as is political discrimination, but that the criteria do not include all the prohibited grounds of discrimination set out in articles 1 (1) and 7 of the Convention.

27. The Committee notes with concern the priority given in domestic legislation to nationals in matters of employment, particularly in the following provisions: article 48 of the Labour Code, which makes the use of foreign labour conditional on the absence of required skills at the national level and provides for heavy financial penalties in the event of non-compliance with these provisions; Ordinance No. 2025-02 of 13 January 2025 providing that the exercise of certain salaried or non-salaried professional activities may be prohibited or subject to prior authorization; Ordinance No. 87-10 of 12 March 1987, requiring foreigners wishing to engage in professional activities to obtain prior administrative authorization; and Decree No. 87-36/PCMS/MCI/T of 12 March 1987, setting the conditions for the exercise of professional activities by foreigners.

28. The Committee is concerned about allegations of discriminatory treatment and fraud against migrant workers, particularly those in irregular situations and in transit.

29. The Committee deplores that discrimination against migrant women and girls persists in all areas, including the labour market, where they are victims of violence and exploitation, that there is still no legislation prohibiting discrimination against women and that migrant women and girls are not beneficiaries of the 2017 National Gender-based Violence Prevention and Response Strategy and the 2017 National Gender Policy.

30. The Committee notes with concern the lack of information on measures taken to guarantee non-discrimination in relation to the impact of the effects of climate change, including natural disasters such as floods, droughts, tropical storms, bush fires caused by desertification, and environmental degradation, on the human rights of migrants, and on measures taken to contribute to greater climate justice.

31. **The Committee recommends that the State Party:**

(a) Adopt comprehensive legislation prohibiting all forms of discrimination, in compliance with the Convention and other relevant international instruments;

- (b) Review labour legislation with a view to repealing all discriminatory provisions to which migrant workers and members of their families are subject;
- (c) Ensure that all migrant workers and members of their families on its territory or subject to its jurisdiction, regardless of their migration status, enjoy the rights recognized in the Convention without discrimination in accordance with articles 1 (1) and 7, both in law and practice;
- (d) Provide qualitative and quantitative data for all spheres on discriminatory practices to which migrant workers and members of their families might be subjected;
- (e) Take steps to develop specific institutional policies, strategies, procedures and initiatives to combat hate crimes, violence, xenophobia and discrimination against migrant workers and members of their families, including by endeavouring to raise awareness of and sensitize the public to these issues in collaboration with both State and non-State entities and actors;
- (f) Put in place mechanisms for assessing the individual situations of migrants in transit and determining their protection needs without discrimination, in accordance with international human rights law, humanitarian law and refugee law;
- (g) Ensure equality between men and women in migration policies and practices by including migrant women and girls as beneficiaries in policies and strategies related to gender and related violence, providing adequate training to officials responsible for implementing the Convention, taking measures to eliminate discrimination against migrant women and girls and to remedy any infringement of their rights in relation to health, employment and education and ensuring that they are able to obtain access to justice, redress and rehabilitation;
- (h) Incorporate, into policies on climate change, disaster risk reduction, preparedness, adaptation and mitigation measures, an approach founded on participation, responsibility and empowerment in order to guarantee special protection for disadvantaged or vulnerable groups of migrants.

Right to an effective remedy

32. The Committee notes the adoption of Act No. 2018-022 of 27 April 2018 on the fundamental principles of social protection, including for migrant workers with regard to legal and judicial assistance. It regrets the absence of information on assistance requested and/or granted and on cases and proceedings brought by migrant workers or members of their families, including those in an irregular situation, in relation to violations of their rights under the Convention. The Committee is concerned that few migrant workers and members of their families are aware of the remedies available to them in the event of violations of their rights under the Convention, that access to justice is hampered by obstacles, including the slow progress of proceedings and prohibitive costs, and that victims are afraid to lodge complaints for fear of reprisals and refoulement or lack of knowledge of their rights.

33. **The Committee recommends that the State Party:**

- (a) Strengthen its efforts to inform migrant workers and members of their families, including those in an irregular situation, about the content of their rights and the legal remedies and legal and judicial assistance available to them in the event of violations of their rights under the Convention, without fear of reprisals;
- (b) Collect data, disaggregated by sex, age, nationality, field of activity and migration status, on complaints filed and decisions taken thereon and provide them in its next periodic report.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Labour exploitation and other forms of ill-treatment

34. The Committee notes that article 4 of the Labour Code prohibits any form of forced or compulsory labour. It remains concerned, however, by the persistence of labour exploitation, including slavery, forced labour, trafficking in persons, domestic exploitation and exploitation through begging, and by the practice of *wahaya* or the “fifth wife”, involving migrant workers, particularly those in an irregular situation and women and children, who are also subject to ill-treatment with regard to their working conditions.

35. The Committee notes with concern the lack of participation of migrant workers’ representatives in the National Committee to Combat the Vestiges of Forced Labour and Discrimination.

36. The Committee notes that national legislation prohibits the employment of children under the age of 12, sets the legal age at which they are allowed to work at 14 and prohibits the worst forms of child labour, in line with the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee is concerned, however, that “the worst forms of labour” are not defined in national legislation and that so-called light work, such as that done by kitchen hands, houseboys, house girls or childminders, is permitted for children between the ages of 12 and 13, making migrant children vulnerable to exploitation.

37. Furthermore, the Committee deplores the prevalence of forced marriage in the State Party and the fact that the Civil Code, article 144 of which sets the minimum legal age for marriage at 15 years for girls and 18 years for boys and article 148 of which provides that parents can consent to marriage on behalf of their daughters, has not been amended.

38. **Recalling its previous recommendations in this area⁵ and targets 8.7 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) **Gather information on the extent of forced labour and migrant workers, including women and children, who have been forced into slavery, trafficking, exploitation, forced marriage, the practice of *wahaya* and other abuses, with a view to establishing policies, strategies and enforcement mechanisms to ensure the conformity of its legislative and policy framework with its obligations under the Convention and the various ILO conventions;**

(b) **Amend the Criminal Code without delay to expressly criminalize the practice of *wahaya*, with deterrent penalties comparable to those for other forms of slavery;**

(c) **Draw up and implement a list of the worst forms of child labour in accordance with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and ensure that the legal age of employment for children, set at 14 years, is applied even to so-called light work, that children are not employed in areas where they are at risk of workplace accidents and that they receive compensation if they do have such an accident;**

(d) **Strengthen the role and investigative resources of the labour inspectorate to increase the number of regular visits and spontaneous and unannounced inspections, particularly in the informal sector of the economy, and impose appropriate penalties on employers;**

(e) **Review the composition of the National Committee to Combat the Vestiges of Forced Labour and Discrimination and revise Order No. 0933/MFP/T of 4 August 2006 establishing it with a view to ensuring the participation of representatives of migrant workers in accordance with article 42 of the Convention;**

⁵ CMW/C/NER/CO/1, paras. 27, 29 and 31.

(f) **Amend the Civil Code, in particular articles 144 and 148, to make the minimum legal age for marriage the same for both sexes and eliminate all exceptions in this regard;**

(g) **Eliminate and effectively combat child marriage and prosecute, punish and sanction individuals or groups who exploit women or children or subject them to forced labour, to any form of abuse or to sexual violence, or who organize the selling of, buy or exploit *wahayas*, while providing effective protection measures and appropriate remedies for victims and their families, particularly in the informal economy;**

(h) **Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to migrant workers, particularly women and children, who have been victims of labour exploitation, including abroad, and intensify efforts to work with other countries to that end.**

Border management and migration

39. The Committee notes the repeal, on 27 November 2023, of Act No. 2015-36 of 26 May 2015 on the smuggling of migrants, which has resulted in an increase in irregular migration flows. It is concerned about the consequences for the protection of the rights of migrant workers and members of their families of the State Party's withdrawal from ECOWAS on 29 January 2025 and from the Protocol relating to Free Movement of Persons, Residence and Establishment. The Committee is also concerned about:

(a) Violations of migrants' rights by State agents, including discrimination, acts of violence, arbitrary arrest and detention, ill-treatment and confiscation of money and travel and identity documents at border posts, notably those of Makalondi and Pétèl-Kolé, on the border with Burkina Faso, and Assamakka, on the border with Algeria;

(b) Cases of refoulement and blocking of migrants, particularly nationals of non-ECOWAS countries, at borders, including Assamakka, without giving them the opportunity to lodge a request for protection or consular assistance;

(c) Cases of abandonment in the Sahara desert of migrants returned en masse, particularly by the Algerian and Libyan authorities, putting their lives at risk;

(d) The lack of consular facilities in border areas;

(e) The lack of available data, disaggregated by migration status, gender, age and other grounds for discrimination, for assessing the scale of these problems.

40. **The Committee recommends, in line with the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, that the State Party:**

(a) **Adopt a human rights-based approach to border management, including by holding effective consultations with relevant stakeholders such as national judicial and human rights bodies, academia and civil society actors, including migrants' organizations, in the development, adoption and implementation of border-related measures;**

(b) **Incorporate into its national legislation preventive measures, prompt and thorough investigations, the use of forensic information, the exhumation and identification of remains and international cooperation in relation to the disappearance of migrants;**

(c) **Ensure that border governance measures are adequate for addressing and combating all forms of discrimination and abuse of authority perpetrated by border authorities and are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions;**

(d) **Ensure, especially through bilateral cooperation, that migrants are only taken to places where their safety and human rights are no longer threatened and that this does not lead to subsequent refoulement;**

(e) Strengthen search and rescue operations, particularly in the Sahara desert, and provide immediate assistance, including water, food, medical first aid and psychosocial support, to migrants who have been rescued or intercepted, in cooperation with the International Organization for Migration (IOM) and civil society actors;

(f) Raise awareness among the border authorities about the primacy of their obligation to protect human rights, including the rights to life and safety, to remove rescued or intercepted migrants from situations in which their lives and safety are endangered and to meet specific protection and assistance needs;

(g) Carry out prevention campaigns with a view to widely disseminating information on the risks associated with irregular migration and desert crossings and on support available to victims;

(h) Strengthen the presence of consular facilities in border areas and ensure that border authorities provide all migrants with information on their rights, including their right to consular assistance, in a language that they can understand and in accessible formats;

(i) Ensure that migrants who have suffered human rights violations or abuses as a result of border governance measures have equal and effective access to justice and effective remedies, that the perpetrators of violations are prosecuted and appropriately punished and that measures are taken to ensure non-repetition of such violations, and provide statistics on the number of cases that have been reported, the number of criminal proceedings that have been instituted, the number of officials who have been brought to justice and the number of convictions that have been handed down;

(j) Allocate sufficient human, technical and financial resources to strengthen border governance, ensuring that facilities are equipped to provide human rights-based and proportionate responses to migrants arriving at borders, and that border and security authorities are trained in international human rights law relevant to their work, including gender equality training.

Due process, detention and equality before the courts

41. The Committee notes that, following the repeal of Act No. 2015-36 of 26 May 2015, Ordinance No. 2025-02 of 13 January 2025 on the entry and residence of foreign nationals in the Niger regulates the conditions of entry, residence and movement of foreign nationals in the State Party. The Committee is concerned that criminal penalties for illegal entry and stay apply both to the persons concerned and to those who host them, which could hamper the work of humanitarian organizations assisting foreign nationals in vulnerable situations. It notes with concern that, under Ordinance No. 2025-02, law enforcement officers have the discretionary power to expel foreign nationals whose presence is “likely to constitute a threat to public order or public finance”.

42. The Committee notes with concern the consistent allegations of abusive detention of migrants without access to healthcare services or the opportunity to contact their relatives. It regrets the absence of statistical data on the number of migrant workers and members of their families detained for immigration-related offences and the number of migrant workers and members of their families in an irregular situation who have been or are in the process of being expelled.

43. In the light of its general comment No. 5 (2021), joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and target 16.9 of the Sustainable Development Goals, the Committee recommends that the State Party:

(a) Develop and adopt, without delay, a legal framework for immigration decriminalizing irregular migration and making provision for appropriate administrative penalties for such offences in accordance with the Committee’s general comments No. 2 (2013) and No. 5 (2021), in which it is stipulated, *inter alia*, that

irregular entry, stay or exit may constitute at most administrative offences and should never be considered criminal offences, given that they do not infringe fundamental legally protected values, and as such are not crimes *per se* against persons, property or national security;

(b) Ensure that in immigration-related procedures, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with due process, including legal assistance and interpretation, as necessary, have access to information in a language that they can understand, and enjoy a right of suspensive appeal in the case of an expulsion decision and timely access to fair and efficient asylum procedures and consular assistance;

(c) Ensure that migrant workers and members of their families are detained for violations of immigration laws only as a last resort and for the shortest period of time possible and offer alternatives to immigration detention;

(d) Ensure, in exceptional circumstances where detention cannot be avoided, that adequate and decent conditions are provided in places of detention, including through the availability of psychosocial support, that migrant workers and members of their families are informed of their rights and about procedures in the detention context, that, where appropriate, migrants in administrative detention are effectively segregated from those under criminal investigation and that victims of trafficking are identified and provided with adequate protection and redress;

(e) Ensure that women detainees are held separately from men, are guarded only by adequately trained women officers and are protected against violence, in particular sexual violence, and that specific provisions are made for pregnant and breastfeeding women;

(f) Immediately cease migration detention of children, whether unaccompanied, separated from their parents, or together with their families, of other vulnerable groups of migrant workers and members of their families, and asylum-seekers, refugees and stateless persons, and ensure that children are not separated from their parents in case of an expulsion order against the latter;

(g) Strengthen mechanisms to regularly monitor conditions in migrant detention centres and grant human rights monitors, including humanitarian agencies, the national human rights observatory and non-governmental organizations (NGOs) unannounced and unhindered access to all migrant detention centres.

Consular assistance

44. The Committee remains concerned about the lack of information on the assistance provided by the State Party to migrant workers of the Niger and members of their families living abroad, including those in an irregular situation, who are often victims of abuse, deprived of their freedom and/or subject to expulsion.

45. The Committee recommends that the State Party:

(a) Ensure that all migrant workers of the Niger and members of their families have access to consular support for the protection of the rights set forth in the Convention, including by taking measures to assist and rehabilitate victims in cases of abuse, ill-treatment, exploitation, deprivation of liberty or expulsion;

(b) Build the capacity of its consulates and embassies to provide advice, assistance and protection to migrant workers of the Niger and their families residing abroad;

(c) Ensure that citizens of the Niger deprived of their liberty abroad receive consular assistance and legal aid and advice;

(d) Collaborate with civil society organizations, associations, community organizations and volunteers in managing migrants and the assistance provided to them in countries of origin and destination.

Remuneration and conditions of work

46. The Committee notes that the Labour Code prohibits gender discrimination in employment and requires equal remuneration for men and women for work of equal value. However, it notes with concern:

- (a) That migrant women, the majority of whom are employed in the informal sector of the economy, particularly in domestic work, do not benefit from the provisions of the Labour Code, earn less than men and are often unaware of their rights under the Convention or of the complaints mechanisms available to them;
- (b) That domestic work is not regulated by law;
- (c) That there is a lack of information on the penalties applied for violations of the labour rights of migrant workers;
- (d) That there is no dedicated body for detecting the illegal employment of migrant workers with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation.

47. **In the light of its general comment No. 1 (2011) and target 8.8 of the Sustainable Development Goals, the Committee recommends that the State Party:**

- (a) Ensure, in law and in practice, the protection of the labour rights of all migrant workers with due respect for the principles of equality and non-discrimination, in accordance with article 25 of the Convention;
- (b) Strengthen awareness among migrant workers, especially those engaged in the informal economy and domestic work, of their rights and obligations under the Convention and the complaints mechanisms available to them;
- (c) Develop and adopt legislation that recognizes and regulates domestic work, ensuring that migrant domestic workers enjoy the same level of protection as national workers with respect to social security, equal pay, minimum wage, hours of work, days of rest, termination, compensation, freedom of association and other conditions of work in written employment contracts, in a language that they can understand, and that are free, fair and fully consented to;
- (d) Establish and impose effective and dissuasive penalties on employers who do not respect the law and the rights of migrant workers;
- (e) Provide the labour inspectorate with adequate human, financial and technical resources for monitoring the working conditions of migrant workers, including those in an irregular situation and operating in the informal sector, ensure that labour inspectors have adequate investigative capacity to consult with migrant workers during inspections, and follow up on any anomalies detected concerning their working conditions.

Social security

48. The Committee regrets that the National Social Protection Policy does not include any reference to migrant workers and that there is a lack of information on social security provisions in bilateral and multilateral agreements on labour migration.

49. **The Committee recommends that the State Party:**

- (a) Review its laws and policies with a view to extending social security to migrant workers, regardless of their migration status and the sector in which they work, and ensure that they are informed of their rights in this regard;
- (b) Automatically include social security provisions in bilateral and multilateral agreements on labour migration, ensuring that such agreements are gender-sensitive, in order to facilitate the transfer of social security contributions paid by nationals of the Niger to countries of migration.

Medical care

50. The Committee regrets the lack of data provided by the State Party regarding access, in law and in practice, to health services, including emergency medical care, for migrant workers and members of their families, irrespective of their migration status. It is concerned that this access is limited by fear of legal repercussions, lack of capacity and underfunding of public health infrastructure.

51. **The Committee recommends that the State Party:**

(a) Ensure that all migrant workers and members of their families, regardless of whether they are in a regular or an irregular situation, have access to the health system, including emergency care, and are informed of the existence of these services and encouraged to use them without fear of repercussions, in particular by guaranteeing that health facilities are not obliged to report an individual's migration status to the authorities;

(b) Strengthen the availability and capacity of medical infrastructure, including integrated health centres, by providing the health system with adequate human, financial and technical resources and ensuring that medical staff are aware of the right of migrant workers and members of their families, regardless of their migration status, to receive any medical care that is urgently required;

(c) Ensure that survivors of gender-based violence have access to essential services, including medical, psychosocial and emergency care, and that they are provided with suitable and accessible shelters without having to declare their migration status.

Birth registration and nationality

52. The Committee notes that Act No. 2019-29 of 1 July 2019 on the civil status regime provides that all persons, including migrants and refugees, are required to register births. It notes with concern, however, the lack of statistical data on the number of children of migrant workers registered and issued with personal identity documents.

53. **The Committee recommends that the State Party:**

(a) Ensure, in order to prevent situations of statelessness, that all children of migrant workers abroad and children born on its territory, in particular children of migrants in an irregular situation and asylum-seekers, are registered free of charge at birth, are issued personal identity documents and acquire a nationality;

(b) Raise awareness among migrants of the importance of registering the birth of their children, in particular through programmes or mechanisms that encourage late registration of births.

Education

54. The Committee remains concerned about the lack of information on specific measures to ensure that children of migrant workers have access to education and of disaggregated data on access to public preschools and schools.

55. **The Committee recommends that the State Party:**

(a) Ensure the elimination of all regulatory and practical barriers so that children of migrant workers, irrespective of their status, have effective access to early childhood, primary and secondary education, free of charge, in a manner that promotes their integration in schools, and the possibility to remain in the education system under the same conditions as children of the Niger;

(b) Guarantee that schools are not obliged to report the migration status of children to the authorities;

(c) Provide statistics on school enrolment and dropout rates for children of migrant workers.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Pre-departure programmes and the right to be informed

56. The Committee is concerned about the lack of information on targeted pre-departure and awareness-raising programmes for prospective immigrants.

57. **The Committee invites the State Party to set up targeted pre-departure and awareness-raising programmes, particularly for children and adolescents who are seeking to migrate, on the dangers of using irregular migration routes, and to step up cooperation with civil society organizations, migrant workers and members of their families, and recognized and reliable recruitment agencies in this regard.**

Right to form trade unions

58. The Committee notes that, under article 183 of the Labour Code, foreign workers enjoy the same right to freedom of association as nationals of the Niger. It notes with concern that, under article 190 of the Labour Code, priority is given to nationals of the Niger in the administration and leadership of trade unions and that this right is not guaranteed equally to all migrants, as it is subject, among other things, to a period of regular residence in the Niger.

59. **The Committee recommends that the State Party take all necessary measures to guarantee to all migrant workers and members of their families who are legally resident in the Niger the right to serve in the administration or leadership of trade unions to which they belong, in line with article 40 of the Convention.**

Right to vote and to be elected in the State of origin

60. The Committee is concerned that nationals of the Niger residing abroad were unable to take part in the 2020 legislative elections due to the lack of registration as a result of the coronavirus disease (COVID-19) pandemic. It is also concerned about the lack of information on the right of migrant workers and their family members residing in the Niger to vote and to participate in public affairs.

61. **The Committee recommends that the State Party:**

(a) **Provide diplomatic offices abroad with adequate human, financial and technical resources, and create the necessary conditions for all migrant workers of the Niger and members of their families living abroad to be able to exercise their right to vote and to be elected;**

(b) **Provide information on the right of migrant workers residing in the Niger to vote and to participate in public affairs, both in their country of origin and in the State Party.**

Family reunification

62. The Committee is concerned that, owing to the absence of the concepts of “migrant worker” and “members of the family of a migrant worker” in national legislation, there are no legislative provisions relating to family reunification in the State Party, nor is it possible to obtain a residence permit on the basis of the status of member of the family of a migrant worker. The Committee regrets that, as a result, the spouses and children of migrant workers must meet the same conditions for entry and residence in the Niger as the migrant workers themselves in order to be legally admitted to the national territory.

63. The Committee is also concerned about the lack of legislative provisions for granting residence permits to family members in the event of the death of a migrant worker or the dissolution of his or her marriage.

64. **The Committee recommends that the State Party revise its legislation, in particular the Labour Code, to include the concepts of “migrant worker” and “members of the family of a migrant worker”, as well as substantive and procedural provisions:**

(a) To facilitate the reunification of migrant workers with their spouses or persons with whom they have a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their unmarried dependent minor children, in accordance with article 44 of the Convention;

(b) To grant authorization to stay to family members in the case of the death of a migrant worker or the dissolution of his or her marriage, in accordance with article 50 of the Convention.

Right to transfer earnings and savings

65. The Committee is concerned about the lack of legislation regulating the transfer of migrant workers' funds or assets to their countries of origin. It regrets the lack of information on legislation concerning import and export duties and taxes on personal and household effects and equipment necessary for the exercise of the professional activity of migrant workers and members of their families, as well as on the policies in place to improve the portability of social security benefits and other rights and advantages belonging to them.

66. **The Committee recommends that the State Party:**

(a) Develop and implement a legislative framework guaranteeing the right of migrant workers to transfer their earnings and savings from the State of employment to the State of origin and measures aimed at facilitating remittances and avoiding double taxation of the earnings and savings of migrant workers and members of their families, in accordance with articles 47 and 48 of the Convention;

(b) Establish policies to enhance the portability of social security and other entitlements and benefits;

(c) Ensure that migrant workers and members of their families enjoy exemption from import and export duties and taxes in respect of their personal and household effects and the material necessary for the performance of their work, in accordance with article 46 of the Convention, and provide detailed information on the applicable legislation.

Work permits and residency

67. The Committee regrets the lack of information on measures taken by the State Party in the event of loss of employment by migrant workers before the expiry of their work permit.

68. **The Committee recommends that, for migrant workers who lose their job before the expiry of their work permit, the State Party grant them a residence permit for a sufficient period of time so that they do not find themselves in an irregular situation and they are able to find alternative employment or challenge their dismissal before the courts, while at the same time being entitled to unemployment benefits in accordance with article 49 of the Convention, and refrain from expelling them.**

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57–63)

69. The Committee notes with concern that there is no legislation or policy governing the stay or work of frontier, seasonal and itinerant workers.

70. **The Committee invites the State Party to provide information on measures taken to ensure that frontier, seasonal and itinerant workers enjoy treatment equal to that enjoyed by national workers, in particular with respect to remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards.**

6. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

International cooperation

71. The Committee is concerned about the lack of information on the effective implementation of the cooperation agreements and the capacity of law enforcement agencies and officials to further improve conditions for migrant workers and combat any violations of their rights. Following the State Party's withdrawal from ECOWAS and its protocols, the Committee particularly regrets the absence of cooperation agreements with other countries where there are large numbers of migrant workers of the Niger.

72. The Committee recommends that the State Party:

(a) **Effectively implement existing cooperation agreements to ensure safe, fair, dignified and lawful conditions for migrant workers and members of their families and provide them with procedural guarantees so that they can assert their rights and obtain redress, where appropriate, through competent entities with the capacity and means to support them;**

(b) **Step up its efforts to conclude further bilateral and multilateral agreements on the free movement of migrant workers and members of their families with destination and transit countries that would be conducive to regular migration.**

Recruitment agencies

73. The Committee remains concerned about abusive recruitment practices by private recruitment agencies, which may charge a commission of up to 20 per cent of the monthly salary for their services and act as intermediaries for foreign recruiters imposing abusive conditions of employment. It regrets the lack of information on measures taken by the State Party to put an end to these practices.

74. **The Committee urges the State Party to strengthen regulatory and supervisory mechanisms for private recruitment agencies, including regular checks, to prevent abusive recruitment practices, to lower the maximum commission that such agencies can legally charge and to ensure that any commission is paid solely by the employer. It also recommends that abusive recruitment practices be investigated and punished, without however imposing economic or criminal penalties on migrant workers.**

Return and reintegration

75. The Committee regrets that, apart from the cases of returnees from Côte d'Ivoire and Libya, the State Party does not yet have a legal framework for the assistance and protection of returnees in a context of mass repatriation of nationals of the Niger, particularly women, which exposes them to risks of violence, harm to their health and food insecurity on their return.

76. The Committee invites the States Party to:

(a) **Adopt an appropriate legal framework for the assistance and protection of returning migrant workers and returnees, paying particular attention to the specific needs of migrant women;**

(b) **Operationalize the interministerial steering committee and the technical committee in charge of repatriation to assist citizens of the Niger with their return, reception and social reintegration;**

(c) **Establish cooperation programmes and readmission agreements between the State Party and the relevant States of employment for the voluntary return of migrant workers and members of their families to the State Party to facilitate their sustainable reintegration when they decide to return or when they are in the State of employment in an irregular situation and to protect them from ill-treatment when they are subject to deportation;**

(d) Take measures to assist returning migrant workers and members of their families, including by promoting conditions that facilitate their reception and reintegration and by recognizing practical work experience and occupational qualifications acquired abroad;

(e) Establish cooperation programmes between the State Party and relevant States of employment with a view to promoting adequate economic conditions for the resettlement and reintegration of migrant workers in a regular situation in the State Party, in accordance with article 67 of the Convention.

Trafficking in persons

77. The Committee notes the establishment of a national referral mechanism for the care of victims of human trafficking in 2020, of a project to dismantle networks of smugglers and of a reception and protection centre for victims of trafficking in Zinder in 2019. It also notes the draft action plans to combat human trafficking (2023–2026) and migrant smuggling, as well as the relevant cooperation agreements with Nigeria and Benin. It notes with concern, however, that the State Party is a country of origin, destination and transit for trafficking in persons, and that:

(a) The application of Act No. 2015-36 of 26 May 2015 on the smuggling of migrants has made migrants, including migrant workers, women and children, more vulnerable to exploitation by traffickers and smuggling networks, particularly through begging, forced marriage and labour, domestic servitude, sexual exploitation and slavery, descent-based slavery and the association of children with armed groups;

(b) Migrant women and girls are forced into prostitution in order to survive and pay off their travel expenses;

(c) The number of human trafficking investigations, prosecutions and convictions has been declining since the 2023 coup;

(d) Potential victims of trafficking are not identified and are subject to prosecution and conviction, particularly for begging offences;

(e) The protection and assistance available for victims of trafficking, particularly for migrant workers and outside the capital, is inadequate.

78. **In accordance with the Trafficking Principles and Guidelines⁶ and in view of target 5.2 of the Sustainable Development Goals, the Committee recommends that the State Party:**

(a) Adopt the action plans to combat human trafficking (2023–2026) and migrant smuggling, and allocate sufficient human, technical and financial resources for their implementation, as well as for the proper functioning of the National Coordinating Commission against Trafficking in Persons and the National Agency to Combat Human Trafficking and the Smuggling of Migrants;

(b) Operationalize the national referral and orientation mechanism on trafficking in persons, ensure that it has offices throughout the territory of the State Party and make sure that it is known to actors and beneficiaries;

(c) Draw up and implement guidelines for the early identification of victims of trafficking, train the professionals concerned to ensure their systematic application, particularly with regard to migrant workers and members of their families, in order to be able to identify victims and refer them immediately to services adapted to their needs;

(d) Ensure that victims of trafficking receive appropriate assistance and protection, that they have access to justice and remedies, that their special rights and needs are duly taken into account and that they are never held responsible for offences such as begging committed as a direct consequence of trafficking;

⁶ OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking.

- (e) Take all necessary measures, including the provision of essential services, to ensure that migrant women and girls are not forced to resort to prostitution as a survival strategy and to ensure that the exploitation of prostitution is duly punished;
- (f) Effectively and impartially investigate all acts of smuggling and trafficking in persons, prosecute and punish perpetrators and accomplices, including public officials, and impose dissuasive penalties that are proportionate to the seriousness of the offence;
- (g) Provide appropriate training to border management authorities, law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consulate staff, media and other relevant professionals in the State Party, taking account of gender-related issues and the needs of children;
- (h) Raise public awareness of human trafficking and assistance for victims, and conduct prevention campaigns;
- (i) Strengthen international, regional and bilateral cooperation by signing agreements and joint plans of action with countries of origin, transit and destination on the prevention and combating of trafficking in persons and identify transnational organized crime networks;
- (j) Collect data, disaggregated by age, sex and origin, on the scale and root causes of trafficking in persons, on the number of investigations undertaken, prosecutions conducted and convictions handed down, and on migrants who are victims of trafficking in persons and people smuggling who receive assistance services.

Measures to address migrant workers in an irregular situation

79. The Committee notes the adoption of the National Strategy to Combat Irregular Migration and its action plan, in 2018, and the Sustainable Development Programme to Prevent and Combat Illegal Migration, which provides for economic and social development measures for populations affected by irregular migration. It also notes that an extensive awareness-raising campaign has been carried out in the State Party to discourage prospective migrants and provide stability for those that return, and takes note of the provision of financial support, assistance with livestock and farming, and healthcare and schooling for children. However, the Committee remains concerned, in view of the deteriorating political and security situation in the region, about the many migrants in transit – the exact number of whom is unknown – who are opting for irregular migration.

80. Reiterating its previous recommendations,⁷ the Committee urges the State Party to:

- (a) Redouble its efforts, in collaboration with the media and States whose nationals cross the Niger en route to other countries, to inform migrant workers and members of their families of the risks associated with irregular migration;
- (b) Redouble its efforts to combat smuggling networks and ensure effective control of the entire national territory, and ensure that smugglers are brought to justice and punished with appropriate penalties;
- (c) Redouble its efforts to inform migrant workers in transit and members of their families about the laws relating to residence permits in the State Party;
- (d) Take measures to regularize the situation of migrant workers and members of their families in an irregular situation, in order to ensure that this situation is not prolonged, in accordance with article 69 of the Convention;
- (e) Widely disseminate information on the risks associated with irregular migration, including through prevention campaigns, and take measures to counter the dissemination of misleading information on emigration and immigration.

⁷ CMW/C/NER/CO/1, para. 51.

7. Dissemination and follow-up

Dissemination

81. The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official language of the State Party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to NGOs and other members of civil society.

Technical assistance

82. The Committee recommends that the State Party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State Party continue its cooperation with United Nations specialized agencies and programmes of the United Nations. The Committee remains at the State Party's disposal, particularly for follow-up to the present concluding observations and the preparation of its third periodic report.

Follow-up to concluding observations

83. The Committee requests the State Party to provide, within two years (that is, by 1 May 2027), written information on the implementation of the recommendations contained in paragraphs 13 (arts. 76 and 77), 21 (independent monitoring), 38 (g) (child marriage and other human rights violations) and 40 (border management and migration) above.

Next periodic report

84. The State Party's third periodic report is due by 1 May 2030. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State Party explicitly opts for the traditional reporting procedure. The Committee draws the State Party's attention to its harmonized treaty-specific guidelines.⁸

⁸ [HRI/GEN/2/Rev.6](#).