



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
19 April 2023

Original: English

Committee on the Elimination of Racial Discrimination

109th session

Summary record of the 2961st meeting

Held at the Palais Wilson, Geneva, on Thursday, 13 April 2023, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

*Combined twenty-second to twenty-fifth periodic reports of the Niger
(CERD/C/NER/22-25; CERD/C/NER/Q/22-25)*

1. *At the invitation of the Chair, the delegation of the Niger joined the meeting.*
2. **Mr. Abdoulaye Mohamed** (Niger), introducing his country's twenty-second to twenty-fifth periodic reports ([CERD/C/NER/22-25](#)), said that the population of the Niger was composed of 11 ethnic groups: Arab, Buduma, Fulani, Gurma, Hausa, Igadal, Isawghan, Kanuri, Toubou, Tuareg (Kel-Tamajaq) and Djerma-Songhai. French was the official language, alongside 11 national languages of equal status. Despite the country's heavy dependence on rain-fed agriculture and the associated risk of recurrent food crises, between 2011 and 2019 the Renaissance Programme of the President of the Republic had enabled economic growth of some 6 per cent annually and an 8 per cent decline in poverty. The majority Muslim population coexisted peacefully with religious minority groups. Events such as the "joking relationship" week and other popular celebrations and festivals fostered national unity and cohesion, hence the absence of any ethnic conflict in the Niger.
3. As in other countries in the region, the security situation had been deteriorating for years, with horrific acts of violence committed by armed groups against military personnel and civilians alike. A substantial increase in budget allocations for internal security and other measures had thus far failed to yield the desired results, and the humanitarian situation was cause for grave concern.
4. The combined periodic report had been prepared in close consultation with civil society. In the Niger, racial discrimination was understood as any unequal treatment or deprivation, demeaning or verbal or physical attacks against any person on grounds of their appearance, skin colour, origin, ethnicity or nationality. Any relegation of a person to a situation of servitude or inferiority was unlawful, and successive governments had consistently spearheaded the fight against all forms of discrimination.
5. Measures taken to address racial discrimination during the reporting period included the adoption of the National Human Rights and Justice Policy and the associated 10-year action plan for the period 2016–2025. In addition, judicial reforms had been undertaken to bring justice closer to the people and adapt the existing framework to emerging challenges associated with terrorism and organized crime. New regulations on the status of legal officers and judges had been adopted in 2017 and 2018, respectively. All persons, regardless of their nationality or other status, had access to justice. Procedural safeguards were in place to ensure due process.
6. Although domestic legislation did not contain a specific definition of racial discrimination within the meaning of article 1 of the Convention, that definition had been taken into account in the 2022 reform of the Criminal Code which envisaged, among others, a complete overhaul of articles 102 and 208. The Constitution prohibited discrimination in all its forms and article 102 of the Criminal Code provided that any act of racial or ethnic discrimination, any regionalist propaganda or any infringement of freedom of conscience or freedom of worship that was likely to set people against one another was punishable by 1 to 5 years' imprisonment and restricted residence. Article 57 of Organic Act No. 2017-64 provided a list of prohibited grounds for the formation of political parties or groups. Ordinance No. 84-06 prohibited the establishment of any association of a regional or ethnic nature.
7. Both men and women could confer nationality on their foreign spouses. All persons had the right to education, regardless of their age, sex or social, racial, ethnic or religious status. Education was compulsory up to the age of 16 years and particular attention was paid to the education of girls, disabled persons and those with special needs. Anti-discrimination provisions also extended to the field of employment. Migrants were not subject to forced or compulsory labour, and some were able to pursue professional activities freely. The majority lived in migrant holding centres and were provided with support by partner organizations. In

the context of efforts to combat trafficking in persons and slavery practices, 28 September had been established as the National Day of Mobilization Against Trafficking in Persons. Customary practices which excluded women from inheriting land were unlawful and dismissed in court. Access to health care, social security and social services was guaranteed for all without discrimination.

8. In line with its consistent opposition to all forms of racial segregation and apartheid, the Niger had acceded to all international instruments in that field. A range of activities were carried out to promote harmony and understanding between the different components of the population, foster the mixing of different groups, ensure equal representation at all levels of government, and improve living standards for all.

9. The Government was keenly aware of the challenges still to be tackled in the fight against all forms of racial discrimination and the challenges posed by insecurity and unfavourable sociocultural conditions. It remained firmly committed the rule of law, respect for individual and collective rights, and the overriding humanist values of peace, tolerance, brotherhood, and unity.

10. **Ms. Tebie** (Country Rapporteur) said that the Committee appreciated the high-level delegation but would have welcomed a more equal representation of women. She would be grateful for information on measures taken by the State party to protect minorities and indigenous peoples from collective abuse and excesses, and to reduce the impact of terrorism and insecurity on peaceful coexistence. She wondered to what extent the Office of the Ombudsman and the National Human Rights Commission were involved in such measures.

11. Clarification was needed on the ethnic composition of the State party's population and the geographical distribution and socioeconomic status of the different ethnic groups. She was curious to know what mechanisms were in place to collect reliable data that would enable an accurate assessment to be made of discrimination against different groups. The delegation might wish to confirm whether the census planned for 2022 had indeed been carried out and, if so, to share its preliminary results. She was particularly interested to learn about the regional distribution, socioeconomic status and political participation of the different ethnic groups. The delegation might also wish to provide clarification on the number of languages spoken, indicating whether they were officially recognized and taught across all levels of education.

12. Given that ethnic associations were banned but cultural associations were not, she was curious to know how the authorities distinguished between the two. Since ethnicity and culture were interrelated, she wondered how the legal paradox of banning one and authorizing the other could be resolved.

13. The delegation might usefully provide specific examples of and data on cases where the Convention had been directly applied by domestic courts. Additional details were also needed of training and awareness-raising activities for judges, lawyers and public prosecutors in regard to the Convention. She would be keen to know whether the State party planned to incorporate the Convention's definition of racial discrimination in its legislation and whether any progress had been made in the establishment of specific sanctions. She wondered whether the absence of specific definitions in line with the Convention might curtail possibilities for victims of racial discrimination to invoke the treaty before domestic courts.

14. It would be helpful to find out how the State party prevented incitement to hatred and discrimination in electoral campaigns and ensured judicial remedy against such crimes, in the absence of explicit legal provisions within the meaning of article 4 of the Convention. While it was encouraging to note that steps had been taken to amend article 102 of the Criminal Code, she wondered why it had not been possible to do so during earlier revisions of the Code.

15. It would be useful to find out about progress made towards ratification of article 14 of the Convention, concerning the competence of the Committee to receive and consider communications from individuals or groups of individuals. The Committee would be grateful to receive updated statistics on the number of complaints, prosecutions and convictions related to slavery and other forms of racial discrimination. Information was also needed on judicial and non-judicial remedies available to victims of rights violations under the

Convention and on the resources allocated to the National Agency for Legal and Judicial Assistance. She wished to know whether victims of slavery, migrants and asylum-seekers were entitled to receive legal assistance through the Agency, and how the requirement for foreigners to pay a bond for costs incurred by judicial proceedings and possible fines was applied in the case of irregular migrants.

16. Detailed information was needed on the measures taken to raise awareness of the Convention and domestic anti-discrimination provisions. She was particularly interested to hear about the number of training events conducted for judicial staff, law enforcement officers and public officials, and other targeted campaigns.

17. The Committee was pleased that the National Human Rights Commission had retained its category A status of accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) and would be grateful to learn more about its membership, appointment criteria for members from the National Assembly, and measures taken to ensure pluralism and appropriate gender balance in its composition. Further information was also needed about the tools at the Commission's disposal, any plans to increase its budget allocations, and measures taken to give effect to the recommendations contained in its annual report of 2021. It would also be helpful to know to what extent the Office of the Ombudsman was involved in fighting racial discrimination, how many complaints had been lodged with the Office, and what follow-up action had been taken.

18. She wished to hear what steps had been taken to halt descent-based discrimination against women and what progress had been made in the adoption of the draft Family Code. It would be particularly interesting to learn of measures taken to eradicate the practice of *wahaya*, whereby girls and women were kept as domestic and sexual slaves. She wondered whether the Government engaged with traditional and religious leaders in that regard, whether it sought to redress economic inequalities between different ethnic groups that might foster such practices, and whether any awareness-raising activities had been conducted to discourage the practice. She also wished to know whether the State party might consider stripping traditional leaders who supported such practices of their powers. Were there any relevant monitoring and early warning systems?

19. **Mr. Yeung Sik Yuen** (Country Task Force) said that it would be useful to know whether and how the State party had implemented the Committee's recommendations in paragraph 17 of its previous concluding observations (CERD/C/NER/CO/15-21). In particular, he would like to find out about special measures taken to ensure equal access to employment, adequate housing and health care for persons belonging to minority groups and those self-identifying as indigenous peoples, and the effect of such measures. He would also be grateful for statistics on the number of representatives of ethnic minorities in government and the legislature. It was essential to have disaggregated data on the relative size of different ethnic groups. He wondered whether members of ethnic minorities were particularly disadvantaged in economic, social, cultural or political fields, and whether ethnic minorities typically lived in certain regions or rural areas with little exposure to other ethnic groups.

20. He asked whether the State party had conducted a survey on the persistent phenomenon of slavery and might be able to provide updated statistics on the number of victims. He would welcome clarification of the precise nature of the support provided to victims of slavery, as well as updated statistics on the number of complaints, proceedings and convictions related to descent-based slavery, including the number of suspended sentences handed down. He was curious to find out how many prosecutions had been brought under article 269 of the Criminal Code for "deprivation of another person's freedom" and what penalties had been imposed. He also wished to find out about the penalty imposed in the case of an offence (*délit*) related to slavery mentioned in article 48 of the combined periodic report, the number of prosecutions related to the crime of slavery established in articles 270.1 and 270.2 of the Criminal Code, and the heaviest punishment imposed to date for the offence of slavery. Given the role of traditional leaders in perpetuating slavery, he wondered whether any targeted campaigns had been conducted to raise awareness of the harm that slavery caused to the victims and, if so, whether they had proven effective. It would be useful to know whether the National Human Rights and Justice Policy and the associated ten-year action plan for the period 2016–2025 had been revised to include all forms of activities to combat slavery and servitude, as recommended by the Committee in its previous concluding

observations, and whether any progress had been made in developing a specific national action plan for combating traditional slavery.

21. He wondered whether it was true that descendants of slaves who were no longer under the direct control of their “master” continued to be denied access to public services and programmes, and that places reserved for “persons of servile origin” continued to exist. If so, the delegation might wish to explain how the State party intended to protect descendants of slaves from discrimination and exclusion. It would be helpful to know whether there were any specific integration and support programmes for victims of slavery, whether anything was being done to raise awareness and mobilize against descent-based slavery, and whether victims were provided with any form of compensation. An explanation was needed as to why victims of descent-based slavery were not entitled to legal assistance from the National Agency for Legal and Judicial Assistance.

22. Information was needed on specific activities carried out by the National Human Rights Commission to combat slavery practices. Did the Commission monitor the extent to which the recommendations by GANHRI had been implemented, including with regard to migration and slavery issues, and, if so, could the delegation kindly elaborate on the outcome of that monitoring?

23. **Mr. Kut** (Follow-up Coordinator) said that, in paragraph 30 of its previous concluding observations issued in September 2015, the Committee had requested the State party to provide information, within one year, on its follow-up to the recommendations contained in paragraphs 9, 11 (b), 21 and 23. The State party had not submitted a follow-up report. He wished to remind the State party that the Committee attached great importance to its follow-up procedure and that the State party would again be requested to submit an interim report during the current reporting cycle.

24. It remained unclear to what extent the authorities took account of the annual reports of the National Human Rights Commission. Additional information was needed on the nature, target populations and outcome of awareness-raising activities about slavery and descent-based discrimination conducted by the National Agency to Combat Trafficking in Persons and Smuggling in Migrants. The delegation should also supplement the information already provided on measures taken to resolve conflict between nomadic populations and other groups, including by harmonizing relevant legislation. Specific examples of human rights training on the provisions of the Convention and other human rights standards and information on the effectiveness of such training would also be appreciated.

25. **Mr. Diaby** asked how the State party intended to heighten the awareness of judges to ensure that legislation prohibiting descent-based discrimination was adequately enforced.

26. Given that national human rights institutions with category A status were entitled to participate in State parties’ dialogues with treaty bodies, he was curious to know why the National Human Rights Commission was absent from the meeting. The delegation might wish to elaborate on any steps taken to strengthen the Commission’s effectiveness.

27. He wondered whether the State party might entertain the possibility of lifting the prior authorization requirement for the establishment of associations. Were there any plans to adopt legislation to protect human rights defenders?

28. **Ms. Essene** said that she would welcome an explanation of the penalty referred to as “restricted residence” (*interdiction de séjour*) in article 102 of the Criminal Code. She was particularly interested to know how such a penalty could be applied in respect of citizens of the Niger. She would also appreciate further information on the 2014 legal case referred to in paragraph 48 of the State party’s combined periodic report, at the outcome of which the Ouallam *Tribunal de Grand Instance* (court of major jurisdiction) had convicted a citizen for the offence of slavery. She was particularly interested to know whether reparations had been provided to the victim or victims.

29. **Ms. Ali Al-Misnad** said that she wished to know whether the State party had considered making basic education compulsory for all children, including children from communities of descendants of slaves, as a means of bringing about the generational cultural change necessary to eradicate the practice of slavery.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

30. **Mr. Abdoulaye Mohamed** (Niger) said that the authorities of the Niger had made significant progress in their efforts to address racial discrimination since a delegation of the Niger had first come before the Committee. There was nothing unusual about the fact that the problem persisted. The State was not in a position to completely eradicate racial discrimination or criminal conduct, because such phenomena had their root in social dynamics over which the government authorities had little control. As the development of the national economy continued, the State was progressively building a legal framework that would ensure respect for the rule of law, including by establishing and strengthening mechanisms for the repression of discriminatory conduct.

31. **Mr. Labo** (Niger) said that terrorism was a form of indiscriminate violence that had no purpose other than to sow widespread terror among the general population. Terrorist organizations did not target minorities specifically. The Government continued to take steps to protect the entire population from terrorist threats and ensure that the law enforcement authorities had adequate resources to guarantee public safety, including through international partnerships. All measures taken by the State in that regard were carried out within the framework of international human rights and humanitarian law. Where there was no security, there could be no development. However, the fact that a significant portion of the national budget had to be set aside for national security meant that fewer resources were available for investment in development initiatives and education. Another factor to be borne in mind was that the Niger was in the midst of a process of democratization, stabilization and decentralization, which had an impact on efforts to gather statistical information through research and surveys and meant that certain types of detailed statistical data could not currently be provided.

32. **Mr. Ikta Abdoulaye Mohamed** (Niger) said that the Government had recently decided to remove all mention of ethnicity from civil status documents, as part of efforts to foster a more united society. Information on ethnicity was no longer collected in national surveys or censuses. That was why no statistical information on the ethnic composition of the population had been presented in the combined periodic report under review.

33. The Office of the Ombudsman and the National Human Rights Commission were independent institutions over which the Government had no influence or control. They had chosen not to send representatives to participate in the review process before the Committee; the Government had in no way prevented them from doing so and had not been informed of the reasons for their decision.

34. **A representative of the Niger** said that the State had repeatedly made clear its long-standing and firm position, in various international forums, that there were no so-called indigenous peoples in the Niger. While some population groups could legitimately be described as nomadic, no ethnic group in the Niger met the criteria for Indigenous classification established in the United Nations Declaration on the Rights of Indigenous Peoples. All ethnic groups in the country had equal access to basic social services and every group was represented at the highest level of government. In 2018, when the combined periodic report under review had been finalized, only eight main ethnic groups were recognized by law. Subsequently, Act No. 2019-80 had been adopted, recognizing 11 main ethnic groups and languages. The Act provided that all ethnic groups and languages were equal.

35. The National Human Rights Commission and the Office of the Ombudsman were competent only to receive complaints by individuals against the public authorities and to submit recommendations to the Government concerning those complaints. They did not have a mandate to consider private disputes. While the State was unfortunately not in a position to increase the resources allocated to the Commission, much of the shortfall was covered by voluntary contributions from its partners. Two of the nine positions on the Commission were reserved for representatives of the National Assembly. Those representatives were experts selected by the National Assembly, not elected members of parliament. Currently, the two representatives were a former minister of justice and a former governor with expertise in human rights.

36. The Convention had never been directly invoked before the national courts. The Government had determined that most justice officials were unfamiliar with the Convention or unaware of its existence. Training on the Convention for justice officials was therefore envisaged as part of plans to raise awareness of all the main human rights conventions. In the context of the ongoing reform of the criminal justice system, a draft bill amending the Criminal Code was being considered. The draft bill would amend the provisions of articles 102 and 208 of the current Criminal Code in the light of the Convention, incorporating, *inter alia*, the definition of racial discrimination established therein. A copy of the draft bill could be provided to the Committee upon request. The State had accepted the individual communications procedures under four United Nations human rights treaties. Interministerial discussions on the acceptance of further individual communications procedures, including that provided for in the Convention, were under way. However, any decision in that regard would have to be made official through legislation, the adoption of which could take some time.

37. According to figures provided by the Ministry of Justice, between 2015 and 2020, 25 judgments had been handed down in relation to complaints made against State agents regarding slavery-related crimes and offences. It should be noted that slavery had not been prohibited by criminal law until 2003, when it had been made an offence in the Criminal Code. As part of the aforementioned process of criminal justice reform, the State was taking steps to remedy the shortcomings of the current criminal provisions prohibiting slavery. The draft bill amending the Criminal Code contained 22 articles prohibiting and punishing the perpetrators of slavery, including modern slavery and the practice of *wahaya*. Article 269 of the current Criminal Code prohibited the practice of pledging a human being as security in any context. That offence was entirely different from the offence of the practice of slavery, for which a different penalty was provided.

38. The notion that women were frequently denied access to land for religious reasons was erroneous. In fact, the problem had its root in traditional customs. Under the criminal law of the Niger, customs that were contrary to international or national law must be set aside in the context of legal disputes. Consequently, judges always ruled in favour of women who filed legal complaints against their parents or relatives for refusing to grant them access to family-owned land on the basis of custom. As a result, fewer women currently faced obstacles to land ownership.

39. The draft Family Code had not yet been adopted because some groups were of the view that certain provisions – in particular those on inheritance, marriage and children born out of wedlock – were at odds with social, cultural and religious realities in the Niger. Awareness-raising activities were being carried out with the aim of ensuring that the Code would one day be adopted.

40. Training and awareness-raising activities on human rights were carried out on a near-daily basis by several government ministries and the National Human Rights Commission. In 2019, at least 327 judges had received such training, and a handbook on human rights issues had been developed for judges and other law enforcement personnel. Other stakeholders, such as traditional leaders, religious leaders and other community leaders, also participated in awareness-raising activities.

41. The Government had adopted Act No. 2022-27 of 20 June 2022 on human rights defenders, which was aligned with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Human rights defenders had participated in the Act's development.

42. The punishment of restricted residence referred to the prevention of an individual from entering a certain area for a certain period and did not involve their expulsion. The punishment could be applied to citizens and foreign nationals alike.

43. **A representative of the Niger** said that article 10 of the Constitution provided for the application of positive discrimination, since it stipulated that certain categories of citizens could benefit from favourable treatment when standing for elected office or applying for employment in the civil service. For example, quotas were in place to increase representation

of persons with disabilities in public sector roles and to address the gender balance among elected officials.

44. Freedom of association was governed by article 9 of the Constitution and Ordinance No. 84-06 of 1 March 1984. Non-governmental organizations must meet the conditions contained in that ordinance and its implementing legislation and must request authorization before they could freely exercise their activities.

45. School was mandatory and free for all children until the age of 16 years. Community schools had been established in remote areas to educate the descendants of slaves.

46. All citizens of the Niger who met the criteria established in the Electoral Code had the right to vote and stand for office in local, legislative and presidential elections without discrimination. Furthermore, article 95 of the Code prohibited the dissemination of regionalist, racist, sexist and stigmatizing statements in election campaigns.

47. The Rural Land-Use Code set out regulations on access to water resources, stipulating that all communities in the Niger must have access to water for drinking and farming purposes. There were no problems to report in that regard.

48. **A representative of the Niger** said that traditional leaders were not all-powerful individuals who could escape the law, and many had been suspended, convicted and sentenced to prison for various offences, although not for acts related to slavery.

49. There were no concerns regarding the inclusion of all ethnic groups in the governing bodies of the Niger. Indeed, the President of the Republic belonged to a minority ethnic group, and thanks to the adoption of various legal instruments, all majority and minority ethnic groups were currently represented in the National Assembly.

50. The National Human Rights Commission was required to submit an annual report to the National Assembly, the Office of the Prime Minister and the Office of the President. Its reports were available to the public.

51. **A representative of the Niger** said that, before they could gain access to justice and certain rights such as legal representation, foreign citizens were liable to pay a *cautio judicatum solvi* if their country of origin had not signed a reciprocity agreement with her Government. Most Governments in West Africa had signed such agreements and their citizens were thus exempt from payment. It was therefore inaccurate to suggest that all migrants were required to pay the bond.

52. A suspended sentence could be granted by the courts to convicted persons under the conditions established in article 676 et seq. of the Code of Criminal Procedure.

53. Training and awareness-raising campaigns on human rights issues were carried out on a regular basis. Specifically, training had recently been provided on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and on the International Convention for the Protection of All Persons from Enforced Disappearance. Awareness-raising campaigns on human rights had been duly integrated into the action plan of the National Human Rights and Justice Policy. In the coming year, the Government would focus on raising awareness of the International Convention on the Eradication of Racial Discrimination.

54. **A representative of the Niger** said that, under domestic legislation, children could not be given stigmatizing names that would place them in a vulnerable situation. Article 96 of Decree No. 2019-463, the implementing decree of Act No. 2019-29 on the civil status regime, stipulated that names given to children and abandoned newborns must not be disrespectful to the child in question or to other people, while article 98 stated that, if there was a legitimate reason to do so, a given name or surname could be changed by filing an appeal through the court system.

55. **Ms. Tebie** said that the reference to “two representatives of the National Assembly” in article 3 of Organic Act No. 2012-44 of 24 August 2012, which established the composition, organization, powers and working methods of the National Human Rights Commission, was confusing as it suggested that those representatives were parliamentarians, which according to the delegation was not the case. She wondered whether that instrument

could be amended to clarify that those representatives were not parliamentarians but were instead appointed on the basis of certain criteria. The delegation might also wish to explain why certain practices, such as slavery and discrimination based on descent, persisted despite the State party's efforts to combat racial discrimination.

56. **Mr. Yeung Sik Yuen** said that he would like to receive information regarding the sentence handed down in the case overseen by the Ouallam *Tribunal de Grand Instance*. It would also be interesting to know whether there had been any follow-up to the case lodged with the criminal courts of the Niger by Ms. Hadjatou Mani Koraou against Mr. El Hadj Souleymane Naroua and what had been the outcome of that case. Lastly, he would be grateful to learn whether the severity of a sentence was a factor in decisions to grant suspended sentences, in particular where crimes related to slavery had been committed.

57. **The Chair** asked for clarification as to whether traditional leaders were exempted from prosecution for crimes related to slavery.

58. **A representative of the Niger** said that, under the Criminal Code, suspended sentences could be granted to convicted individuals provided there were no legal provisions to the contrary. At present, the law did not prohibit courts from handing down suspended sentences for criminal offences related to slavery. However, given the seriousness of such offences, the Criminal Code was being amended to specify that suspended sentences would no longer be granted in such cases.

59. Despite the ruling of the Court of Justice of the Economic Community of West African States in favour of Ms. Hadjatou Mani Koraou, Mr. El Hadj Souleymane Naroua believed that he was still Ms. Koraou's only legitimate husband and that she had committed the offence of bigamy by remarrying. He had therefore filed a suit through the court system of the Niger against Ms. Koraou and her second husband. The case had eventually reached the Court of Cassation, which had ruled in 2021 that Mr. Naroua had never been Ms. Koraou's legitimate husband since she had been sold to him through the practice of *wahaya* and the marriage was consequently not recognized in law. Mr. Naroua's case had thus been dismissed.

60. Organic Act No. 2012-44 of 24 August 2012 had been amended in 2022, although that amendment had not related to the composition of the National Human Rights Commission. Nonetheless, there was no reason why a bill could not be developed to clarify that the two representatives of the National Assembly appointed to the Commission were not parliamentarians. Those representatives were normally judicial officers or former Ministers of Justice who met the conditions set out in law. To ensure that the Commission remained politically balanced, the governing party appointed one representative and the opposition parties jointly appointed another.

61. **Mr. Diaby** said that an ordinance could not take priority over a country's constitution. Since freedom of association was enshrined in the Constitution of the Niger, he would be interested in hearing of any measures envisaged to repeal Ordinance No. 84-06 of 1 March 1984 in order to enshrine the right to freedom of association on the basis of prior declaration, rather than prior authorization.

62. **Ms. Essene** said that although the delegation had informed the Committee that customs were only practised in the country if they did not contravene domestic law or international legal instruments, according to alternative sources, judges continued to promote discriminatory customs that did not align with laws and conventions. She therefore wished to know of the punishments imposed on judges or courts promoting such customs.

The meeting rose at 6 p.m.