

## **Concluding observations on the combined third and fourth periodic reports of the Niger \***

1. The Committee considered the combined third and fourth periodic reports of the Niger (CEDAW/C/NER/3-4) at its 1516th and 1517th meetings (see CEDAW/C/SR.1516 and 1517), held on 13 July 2017. The Committee's list of issues and questions is contained in CEDAW/C/NER/Q/3-4 and the responses of the Niger are contained in CEDAW/C/NER/Q/3-4/Add.1.

### **A. Introduction**

2. The Committee appreciates the submission by the State party of its combined third and fourth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for the Advancement of Women and Protection of Children, El Back Zeinabou Tari Bako, and included representatives of the Ministry for the Advancement of Women and Protection of Children, the Ministry of Justice, the interministerial committee for the preparation of reports to treaty bodies and the Permanent Mission of the Niger to the United Nations Office and other international organizations in Geneva.

### **B. Positive aspects**

4. The Committee welcomes the progress achieved since its consideration in 2007 of the State party's second periodic report (CEDAW/C/NER/2) in undertaking legislative reforms, in particular the adoption of the following:

(a) Constitution of 25 November 2010, enshrining, *inter alia*, equality before the law without distinction on grounds of sex (art. 8) and further pledging to eliminate all forms of discrimination against women, girls and persons with disabilities (art. 22);

(b) Act No. 2014-60 of 5 November 2014 relating to the Nationality Code, allowing women to transfer citizenship through marriage and introducing the possibility of dual citizenship;

(c) Act No. 2014-64 of 5 November 2014 amending the Quota Act (No. 2000-008 of 7 June 2000) to raise, from 10 to 15 per cent, the quota for both sexes in elected office;

(d) Act No. 2012-45 of 25 September 2012, amending the Labour Code by, *inter alia*, extending the list of prohibited grounds of discrimination, increasing the penalties for discrimination and prohibiting sexual harassment in the workplace;

(e) Order No. 2010-086/P/CSRD/MJ/DH of 16 December 2010 on combating trafficking in persons, as updated by Act No. 2015-36 of 26 May 2015 on prohibiting trafficking in migrants.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Establishment of the National Human Rights Commission through Act No. 2012-44 of 24 August 2012, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the mandate to, *inter alia*, promote and protect women's rights;

(b) Establishment of the National Committee to Coordinate Action against Trafficking in Persons and the National Agency to Combat Trafficking in Persons by Decrees No. 2012-082/PRN/MJ and No. 2012-083/PRN/MJ, respectively, in 2012;

(c) Creation of the National Agency for Legal and Judicial Assistance, through Act No. 2011-42 of 14 December 2011, to provide legal assistance for persons in situations of vulnerability, including women in specific cases;

(d) Adoption of a national gender policy (2008) and related national action plan covering the period 2009-2018.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, in 2015;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2014;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;

(d) 1954 Convention relating to the Status of Stateless Persons, in 2014;

(e) African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2012;

(f) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2012;

(g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2009;

(h) Convention on the Rights of Persons with Disabilities, in 2008.

### **C. Parliament**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

## **D.Principal areas of concern and recommendations**

### **Withdrawal of reservations**

8.The Committee takes note of the State party's acceptance during its universal periodic review in 2014 of the recommendations to review its reservations to articles 2 (d) and (f), 5 (a), 15 (4) and 16 (c), (e) and (g) of the Convention and the establishment of a national committee to consider their withdrawal (see A/HRC/32/5). The Committee is concerned that no time frame has been set for the completion of this review.

### **Withdrawal of reservations**

**9. Recalling its statement on reservations, adopted at its nineteenth session, in 1998, the Committee considers that the reservations to articles 2 and 16 are incompatible with the object and purpose of the Convention and that they are therefore impermissible and should be withdrawn. It reiterates that the withdrawal of the reservations, or the narrowing of their scope, is essential for the full implementation of the Convention in the State party and that neither traditional, religious or cultural practices nor incompatible national laws and policies can be invoked to justify reservations to the Convention. The Committee recommends that the State party:**

**(a) Expedite the review of all its reservations to the Convention, with a view to withdrawing them or narrowing their scope within an established time frame, in consultation with traditional leaders and women's civil society groups. In this context, it recommends that the State party take into consideration the experiences of other Muslim countries that have withdrawn reservations to the Convention;**

**(b) Seek and utilize technical support from development partners, as appropriate, in addressing national constraints to the full adoption and implementation of the Convention without reservations.**

### **Women and peace and security**

10.The Committee notes that recent terrorist attacks have resulted in major population displacement, with an estimated 242,000 persons, comprising asylum seekers, refugees, returnees and internally displaced persons, in the Diffa region alone. The Committee commends the State party for the adoption of Act No. 2015-36 of 26 May 2015, on prohibiting trafficking in migrants, and its open border and reception policy for refugees. Nevertheless, it is concerned that:

**(a)No strategic policy or legislative response exists to address the extremely precarious conditions of displaced women and girls in the State party, not least in the Lake Chad region;**

**(b)Displaced women and girls are at risk of sexual and gender-based violence, as well as child marriage, forced marriage, trafficking in persons, forced prostitution and abduction by terrorist groups for use in suicide bombings and sexual slavery;**

**(c)No independent mechanism exists with a mandate to investigate all allegations of gender-based violence and other rights violations against women and girls by security forces and terrorist groups.**

### **Women and peace and security**

**11. The Committee recommends, in line with its general recommendations No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, that the State party:**

**(a) Expedite the adoption of a policy and legislative framework to guarantee the security of women and girls who are asylum seekers, refugees, returnees or displaced and ensure their access to food supplies, clean water and sanitation, shelter, health care and education, and facilitate their acquisition of identity documentation;**

**(b) Collect data on incidents of gender-based violence against women and girls, in particular sexual violence, and of child marriage, forced marriage, trafficking in persons, forced prostitution and abduction by terrorist groups in the State party;**

**(c) Establish a specialized mechanism to investigate allegations of human rights violations and acts of violence by security forces and terrorist groups, with particular attention to gender-based violence and other rights violations perpetrated against women and girls, bringing perpetrators to justice and ensuring compensation and rehabilitation for victims;**

**(d) Avail itself of the financial and technical assistance provided by international development partners to ensure the inclusion and participation of women at all stages of the peacemaking, stabilization and reconstruction process, in line with Security Council resolution 1325 (2000).**

### **Constitutional framework and discriminatory laws**

12. The Committee welcomes the constitutional prohibition of discrimination based on sex (art. 8), the State party's pledge to eliminate all forms of discrimination against women (art. 22) and the guarantee that ratified international treaties take precedence over national legislation (art. 171). Nevertheless, it notes with concern:

(a) That the definition of discrimination against women, which prohibits direct and indirect discrimination in accordance with article 1 of the Convention, is not being visibly implemented by the State party in practice;

(b) That Act No. 62-11 of 16 March 1962 and Act No. 2004-50 of 22 July 2004 give precedence to the application of customary law over civil law in most personal status matters, including marriage, divorce, direct descent, inheritance, settlement of assets and wills and in relation to property ownership, adversely affecting women and girls;

(c) No time frame is envisaged for repealing discriminatory legislation, including provisions in the Civil Code regulating, inter alia, the matrimonial home (art. 108), the status of head of household and paternal power (arts. 213 to 216), the legal capacity of a married woman (arts. 506 and 507), remarriage (arts. 228 and 296), the exercise of guardianship over children (arts. 389 to 396 and 405) and the distribution of marital assets (art. 818);

(d) That the draft personal status code of 2010 was not adopted owing to the hostility of certain groups.

### **Constitutional framework and discriminatory laws**

13. With reference to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party accord priority to its law reform process, taking into consideration the links between articles 1 and 2 of the Convention and Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls everywhere, within a set time frame, to:

(a) Reinforce the substantive equality of women in law and in practice by ensuring the application of a definition of discrimination against women that is in line with article 1 of the Convention, covering direct and indirect discrimination in both the public and private spheres and recognizing intersecting forms of discrimination;

(b) Harmonize statutory and customary laws with the provisions of the Convention and repeal all legislation that is incompatible with the principle of equality of women and men and the prohibition of sex-based discrimination;

(c) Initiate open and inclusive public debates regarding diversity of opinion and interpretation with regard to customary personal laws and practices and, with the participation of women's civil society organizations, raise awareness among parliamentarians, traditional leaders and the general public of the importance of comprehensive, consistent and coherent legal reform to achieve the substantive equality of women and men with a view to building consensus for the adoption of a non-discriminatory personal status code;

(d) Expedite the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

### **Access to justice**

14. The Committee notes the State party's declaration of free judicial assistance for all women in select court proceedings, including in family law matters. It also notes the capacity-building programmes for judges, lawyers and law enforcement professionals on the Convention, but regrets the lack of information on any cases in which the Convention has been invoked before the national courts. The Committee remains concerned about women's limited access to justice, primarily owing to:

(a) Judicial and legal aid services being concentrated in the capital;

(b) Women's low awareness of their rights and how to claim them, given the high poverty and illiteracy rates of women in the State party;

(c) The unavailability of legal assistance for women in customary law courts, where the majority of personal and family matters are decided;

(d) The lack of knowledge and sensitivity regarding women's rights on the part of State and customary law judges and law enforcement officials.

### **Access to justice**

15. With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recalls the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems. In the light of its previous recommendation (CEDAW/C/NER/CO/2, para. 14), it recommends that the State party:

(a) Strengthen the State justice system, including by increasing its human, technical and financial resources, and increase the number and reach of judicial services and assistance in both State and customary justice systems to ensure that women have effective access to justice throughout the territory of the State party;

(b) Enhance women's awareness of their rights and the means to claim them, including by strengthening cooperation with civil society organizations;

**(c) Provide capacity-building on the Convention and women's rights for both State and customary law judges and lawyers to ensure that State and customary justice systems harmonize their practices with the Convention and to raise awareness of and eliminate the stereotyping and stigmatization faced by women claiming their rights.**

### **National machinery for the advancement of women**

16. The Committee welcomes the establishment of the National Centre for the Advancement of Gender Equality, the placement of gender focal points in all ministries and the creation of a parliamentary network on gender. It is concerned, however, about the limited financial and human resources, as well as the scarce presence of similar mechanisms at the local level, and the difficulties faced in ensuring effective coordination between these entities and the Ministry for the Advancement of Women and Protection of Children to achieve gender mainstreaming throughout national and local government bodies.

### **National machinery for the advancement of women**

**17. The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, in addition to the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, recommends that the State party:**

**(a) Allocate the human, technical and financial resources necessary to the Ministry for the Advancement of Women and Protection of Children, the National Centre for the Advancement of Gender Equality and the ministerial gender focal points, in addition to similar mechanisms at the local level, to reinforce their mandates to coordinate, monitor and assess the impact of the implementation of public policies and national action plans for the advancement of women;**

**(b) Undertake an impact assessment of the national gender action plan (2009-2018) upon its expiration, so as to evaluate progress made towards gender equality and to develop, in consultation with women's civil society organizations, a new strategy that clearly defines the competences of national and local authorities regarding its implementation and is supported by a comprehensive data collection and monitoring system.**

### **Temporary special measures**

18. The Committee is concerned that temporary special measures are not sufficiently applied as a necessary strategy to accelerate the achievement of substantive equality of women and men in other areas covered by the Convention, in particular employment, education and health, and in relation to rural women.

### **Temporary special measures**

**19. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

**(a) Raise awareness among parliamentarians, government officials, employers and the general public about the necessity of temporary special measures;**

**(b) Set time-bound targets and allocate sufficient resources for the implementation of temporary special measures, including quotas and other proactive measures, accompanied by legal measures for non-compliance, aimed at achieving the substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged;**

**(c) Take into account recent initiatives in other States in the region to develop and introduce temporary special measures.**

### **Stereotypes and harmful practices**

20. The Committee recognizes the diversity of cultures and traditions in the State party. It is concerned, however, that insufficient action has been taken by the State party to implement the Committee's previous recommendation (CEDAW/C/NER/CO/2, para. 18) to develop a national strategy, including clear goals and timetables, to modify or eliminate discriminatory stereotypes and practices that are harmful to and discriminate against women and to establish monitoring mechanisms to regularly assess the progress achieved. The Committee remains concerned in particular that the practice of *wahaya*, characterized as a form of slavery, including sexual slavery, and female genital mutilation persists in the State party. It notes with concern the low number of prosecutions under the Criminal Code provisions prohibiting slavery (arts. 270.1-270.3) to criminalize perpetrators of *wahaya* and the low conviction rates in cases of female genital mutilation.

### **Stereotypes and harmful practices**

**21. The Committee, in line with Sustainable Development Goal 5.3, on the elimination of all harmful practices, such as child marriage and forced marriage and female genital mutilation, recommends that the State party:**

**(a) Specifically criminalize the practice of *wahaya*, with the same penalties as other forms of slavery;**

**(b) Ensure that articles 232.1-232.3 of the Criminal Code prohibiting female genital mutilation are strictly enforced;**

**(c) Provide training for judges, prosecutors and police and other law enforcement officers on the strict application of**

these sanctions to ensure that perpetrators and practitioners of these harmful practices are effectively investigated, prosecuted and punished and that victims are provided with assistance and rehabilitation;

(d) Develop and allocate sufficient resources for the implementation of a national plan of action to combat harmful practices, providing for strategic media campaigns and educational programmes to raise awareness among traditional and religious leaders, health-care and social workers and the general public about the negative impact of the practices on women and girls.

### **Sexual and gender-based violence against women**

22. The Committee notes the development of a national strategy to prevent and respond to gender-based violence and the delegation's assurance during the constructive dialogue of the planned construction of 140 safe centres in each region of the State party. It remains concerned, however, that gender-based violence against women and girls, including sexual and domestic violence, appears to be socially legitimized and accompanied by a culture of silence and impunity and that victims have limited means of assistance, protection or redress. It is further concerned that marital rape is not specifically criminalized and that no definition of statutory rape exists in the State party's legislation owing to the absence of a legal minimum age of sexual consent.

### **Sexual and gender-based violence against women**

23. The Committee, recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party:

(a) Enact legislation to specifically define and criminalize sexual violence against women, including statutory and marital rape, and strengthen the protection of victims and the prosecution and punishment of perpetrators;

(b) Ensure that victims are destigmatized and encouraged to report incidents of gender-based violence, including by providing capacity-building programmes for judges, prosecutors, police officers, law enforcement personnel, legal practitioners and traditional leaders on how to investigate such cases in a gender-sensitive manner;

(c) Ensure that allegations of gender-based violence against women, including domestic violence, are effectively investigated and perpetrators prosecuted and adequately punished and that victims have access to appropriate redress, including compensation;

(d) Increase the number of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes, as well as legal assistance, to victims of gender-based violence;

(e) Systematically collect and analyse data on all forms of gender-based violence against women, disaggregated by age, region and relationship between the victim and the perpetrator, as well as on the number of protection orders issued, the number of prosecutions conducted and the sentences imposed on perpetrators.

### **Trafficking and exploitation of prostitution**

24. The Committee welcomes the enhanced legal and institutional framework of the State party to combat trafficking in persons, including the establishment of the National Committee to Coordinate Action against Trafficking in Persons and the National Agency to Combat Trafficking in Persons, respectively, and the associated action plan (2014–2018). The Committee notes with concern that the State party remains a country of origin, transit and destination for trafficking and that victims are vulnerable to sexual exploitation, forced marriage and forced labour. It also notes with concern the low prosecution and conviction rates in cases of trafficking in women and girls and the lack of adequate mechanisms to identify victims of trafficking and to refer them to appropriate services such as systematic rehabilitation and reintegration services, including counselling, medical treatment, psychological support and redress, including compensation.

### **Trafficking and exploitation of prostitution**

25. The Committee draws attention to Sustainable Development Goal 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

(a) Finalize and adopt the draft decrees on the organization, allocation and functioning of special compensation for victims of and witnesses to trafficking and on the creation of a shelter for victims and witnesses;

(b) Investigate, prosecute and adequately punish perpetrators of trafficking in persons, including migrants, and especially women and girls, and related crimes, ensuring that victims of trafficking and exploitation of prostitution are exempted from any liability and provided with adequate protection and redress;

(c) Provide continuous mandatory capacity-building for law enforcement officers on the early identification of victims of trafficking and their referral to appropriate services, assistance and rehabilitation, and conduct nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;

(d) Ensure that victims of trafficking have adequate access to health care and counselling, strengthen the human, technical and financial resources of social work centres and provide targeted training for social workers dealing with victims;

**(e) Address the root causes of trafficking and exploitation of women and girls in prostitution by offering educational and alternative income opportunities to women who are at risk of being trafficked or exploited in prostitution, as well as exit programmes for women in prostitution;**

**(f) Systematically collect sex-disaggregated data on exploitation of prostitution and trafficking in women and girls, including on the number of investigations, prosecutions, convictions and the sentences imposed on perpetrators.**

### **Participation in political and public life**

26. The Committee welcomes the State party's efforts in applying special measures with regard to women's political participation and representation in national government bodies through the Quota Act (No. 2000-008) (amended in 2014), raising the quota for both sexes in elected office from 10 to 15 per cent. It is concerned, however, about the weak implementation of the Act, women's low representation in the parliament (16 per cent) and as regional, municipal and town councillors (12 per cent) and the absence of women governors or prefects. Despite the Act requiring a minimum of 25 per cent of either sex in high-ranking government posts, the Committee notes that only 19 per cent of ministers are women and that women are underrepresented in decision-making posts in the public service. It further notes with concern that women are excluded from full participation in traditional political functions.

### **Participation in political and public life**

**27. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

**(a) Effectively enforce the Quota Act, including through the imposition of sanctions in the case of non-compliance;**

**(b) Accord priority to the promotion of women's participation in local government, including as governors, prefects and mayors and in chieftainship positions, and, to that effect, repeal discriminatory provisions in Act No. 2008-22 of 23 June 2008 amending and supplementing Ordinance No. 93-28 of 30 March 1993 on the status of traditional chieftainship;**

**(c) Allocate adequate human, technical and financial resources to the Directorate for the Promotion of Female Leadership to enable it to carry out its mandate, including by implementing a comprehensive strategy to dismantle the barriers to women's participation in decision-making positions, with a particular focus on increasing the level of education attained by women;**

**(d) Raise awareness among politicians, the media, traditional leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention and the political stability and economic development of the country.**

### **Education**

### **Participation in political and public life**

28. The Committee welcomes the declaration of the President on compulsory education until 16 years of age and the implementation of a national strategy on girls' education aimed at reaching parity by 2020. It is, however, concerned about:

**(a) The disproportionately low school enrolment rates of girls, in particular those from rural areas (including the Diffa, Zinder, Tillabéri and Tahoua regions), nomadic populations, poor families, girls who are victims of slavery or descendants of slaves and girls with disabilities;**

**(b) Girls' extremely low completion and high repetition rates, in particular at the secondary level of education, owing to, inter alia, child marriage, early pregnancy, indirect school costs, the requirement to pay school fees at the secondary level, child labour and the preference for sending boys to school, resulting in a very low literacy rate (11 per cent) among women in the State party;**

**(c) The poor quality of education owing to insufficient investment in school infrastructure, teacher training, transportation to schools and school feeding programmes.**

### **Participation in political and public life**

**29. The Committee, taking note of Sustainable Development Goal 4.5, to eliminate gender disparities in education, recommends that the State party:**

**(a) Dismantle discriminatory stereotypes and other barriers to girls' access to education by raising awareness, in particular among parents and traditional leaders, of the importance of education for women and girls and of the harmful effects of child marriage;**

**(b) Ensure the re-entry into school of young mothers, including through the repeal of Decision No. 65/MEN/DEST/EX of 10 July 1978, which temporarily excludes girls who become pregnant from school and definitively excludes them when they marry;**

**(c) Include mandatory age-appropriate and scientifically accurate education on sexual and reproductive health and rights in school curricula, aimed at both girls and boys, inter alia, to reduce pregnancy-related dropout;**

**(d) Allocate adequate funding to provide free education beyond the first six years of schooling until at least the**

**completion of secondary school, eliminate indirect costs of schooling, improve the quality of teaching and school infrastructure and enhance the provision of school feeding programmes and appropriate sanitary facilities for girls;**

**(e) Further promote access by women and girls to tertiary education, including through advocacy and the provision of scholarships, and strengthen adult literacy programmes, especially in rural areas.**

## **Employment**

30. The Committee notes the constitutional guarantee of non-discrimination in employment (art. 33), as reinforced in the Labour Code (2012). Nevertheless, it notes with concern that:

(a) Very few women (3 per cent in 2012) are employed in the formal sector and covered by social protection and that women are concentrated in low-paid domestic work, where they are often exploited, exposed to precarious working conditions and subject to abuse by their employers;

(b) The prohibition of sexual harassment in the workplace in the Labour Code is limited to individuals exercising authority and does not include co-workers and that there is limited knowledge about the remedies available to victims;

(c) Article 109 of the Labour Code, on the protection of maternity, may be interpreted in an overly broad manner in order to prohibit women from exercising certain professions based on discriminatory stereotypes.

## **Employment**

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

**(a) Improve women's access to the formal labour market through measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, such as creating incentives for both public and private sector employers to recruit women, introducing flexible work arrangements and strengthening professional training for women;**

**(b) Ensure the application of social protection schemes to all women, including those working in the informal sector;**

**(c) Carry out inspections, including when there are reasonable grounds to believe that violations are taking place in private homes, combat exploitative labour practices against women and ensure that perpetrators are appropriately sanctioned;**

**(d) Amend article 45 of the Labour Code to broaden the definition of sexual harassment and the scope of persons to whom it applies, raising awareness of the remedies available to victims, and amend article 109 of the Code, on the protection of maternity, to restrict its application to maternity and not to women in general;**

**(e) Ratify or accede to the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.**

## **Health**

32. The Committee notes the reduction in the maternal, infant and child mortality rates and the introduction of free care for children under 5 years of age and in relation to specific services for women in the State party. The Committee is concerned, however, about:

(a) The inadequate funding of the health-care sector, resulting in limited access to basic health-care services, in particular among poor, rural and nomadic women, the lack of cancer prevention programmes and the limited sexual and reproductive health-care services, information and modern forms of contraception, including for adolescent girls;

(b) The extremely high rates of maternal mortality, fertility (7.6 children per woman), early and frequent pregnancy and the resulting incidence of obstetric fistula, and acute malnutrition affecting women;

(c) The persisting economic and sociocultural causes of women's poor health in the State party, including child marriage, forced marriage, female genital mutilation, the requirement of the husband's permission for a woman to seek medical treatment and women's frequent inability to afford both the cost of the transportation and the treatment;

(d) The criminalization of abortion, subjecting both the woman procuring an abortion and any person assisting her to criminal liability (arts. 295-297 of the Criminal Code), and the barriers to access to abortion where it is legal, such as cases in which the pregnancy gravely endangers the women's health or of rape or incest.

## **Health**

**33. The Committee, recalling its general recommendation No. 24 (1999) on women and health, draws attention to Sustainable Development Goals 3.1 and 3.7, to reduce the global maternal mortality ratio and to ensure universal access to sexual and reproductive health-care services, respectively, and recommends that the State party:**

**(a) Increase the budget allocated to women's basic health care, cancer prevention programmes and sexual and reproductive health-care services and affordable modern forms of contraception and family planning services, in particular for poor, rural or nomadic women and adolescent girls;**

**(b) Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric**

services by skilled birth attendants and to post-abortion care and obstetric fistula services, throughout the territory of the State party, taking into consideration the technical guidance of the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2);

(c) Legalize abortion and ensure its legal and practical availability in cases in which the life and/or health of the pregnant woman or girl is at risk and in cases of rape, incest and serious impairment of the fetus, and decriminalize abortion by repealing articles 295-297 of the Criminal Code and ensure unhindered access to safe abortion and to post-abortion care services;

(d) Carry out targeted awareness-raising to combat the negative influence of customary, traditional or religious considerations that may be invoked to limit the autonomy of women and hamper the exercise of their sexual and reproductive health rights;

(e) Collect data to assess the financial burden on the health-care system of treating victims of harmful practices, including female genital mutilation.

### **Economic and social benefits**

34. The Committee notes the link between the disproportionately high number of women in the State party living in poverty and their restricted access to economic assets and social benefits, mainly owing to the application of customary law in matters of succession resulting in unequal land inheritance and land grabbing from widows, discriminatory criteria for allocating social benefits and laws restricting the legal capacity of married women, inter alia, to gain access to credit and exercise a profession, in contravention of article 8 of the Constitution.

### **Economic and social benefits**

35. The Committee recommends that the State party accord priority to the participation of women in its efforts to meet the targets of the 2030 Agenda for Sustainable Development and that it:

(a) Regulate succession under both the civil and customary law regimes to ensure equality in land acquisition and retention, including through succession, and facilitate women's access to justice to contest cases of unequal distribution of land;

(b) Eliminate discrimination with regard to women's access to social benefits and pensions, including by amending Act No. 2007-26 of 23 July 2007, on the general conditions of the State public service and determining the criteria for entitlement to and levels of family allowances, benefits and bonuses, and Decree No. 60-55/MFP/T, on the remuneration and material benefits allocated to officials in State public administrations and establishments;

(c) Repeal the legal provisions restricting married women's legal capacity, including the requirement to attain the husband's permission in order to open a bank account or to exercise a profession;

(d) Raise awareness among parliamentarians, traditional and religious leaders and the general public about the need to promote women's economic empowerment as a poverty alleviation strategy.

### **Rural women**

36. The Committee welcomes the "Nigeriens feeding Nigeriens" initiative, which supports rural women. Nevertheless, it notes with concern the extremely high rates of poverty (82 per cent) and food insecurity affecting women in rural areas of the State party, which are linked to the lower socioeconomic status of women and the disproportionate impact of climate change, desertification and extractive industries (uranium) on women. It notes that the precarious situation of rural women is exacerbated by customary law provisions on community management, which exclude women from the traditional chieftainship, and by discriminatory land acquisition practices.

### **Rural women**

37. In the light of its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Ensure the inclusion of a gender perspective in all rural development policies and plans, with the participation of women in the preparation, adoption and implementation of national policies and programmes on food security, climate change, disaster response and risk reduction;

(b) Increase the representation of women in community management, including by encouraging the amendment of the rules on traditional chieftainship;

(c) Facilitate women's acquisition and retention of land and natural resources by revising the customary practices relating to property ownership, acquisition, management and disposition;

(d) Ensure that rural women are not negatively affected by land acquisition for development projects and by the extractive industry;



**(e) Systematically collect data on the situation of rural women to effectively develop, implement and monitor initiatives to address the needs of rural women.**

## **Disadvantaged groups of women**

### **Women in detention**

38. The Committee notes with concern that the majority of women in pretrial detention in the State party are held in prisons and not systematically separated from convicts. It is also concerned about the poor conditions of detention for women, including overcrowding and lack of access to food, drinking water and adequate sanitary conditions.

## **Disadvantaged groups of women**

**39. The Committee recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), guarantee the separation of detained women from convicts and ensure their access to adequate nutrition, drinking water, sanitation and health care.**

### **Women with disabilities**

40. The Committee welcomes the constitutional prohibition of discrimination against persons with disabilities and their equality of opportunities (arts. 22 and 26). It notes, however, that the rights of women and girls with disabilities are not protected by any specific legislative law, policy or plan of action, including with regard to their social protection. The Committee also notes the absence of a legal definition of disability or the obligation to provide reasonable accommodation.

## **Disadvantaged groups of women**

**41. The Committee, recalling its general recommendation No. 18 (1991) on disabled women, recommends that the State party:**

- (a) Adopt a law on the social protection of persons with disabilities and establish a mechanism to monitor its enforcement, ensuring that perpetrators of discrimination and gender-based violence against women and girls with disabilities are adequately punished and victims adequately compensated;**
- (b) Ensure that women and girls with disabilities have effective access to justice, political and public life, education, income-generating activities and health care, including sexual and reproductive health-care services;**
- (c) Undertake awareness-raising to change negative attitudes towards women and girls with disabilities;**
- (d) Carry out a census of the number of persons with disabilities, disaggregated by sex, age and region.**

## **Marriage and family relations**

42. The Committee is concerned about:

- (a) The extremely high rates of child marriage and/or forced marriage in the State party, affecting a quarter of married women and girls, which is compounded by the absence of any legal framework or strategic action to prohibit these harmful practices. The Committee notes the link between the high child marriage, fertility and maternal mortality rates and the disproportionately high illiteracy and poverty rates among women in the State party. It notes that most child marriages are conducted under customary law, which does not require the consent of the future spouses for marriage or a minimum age of marriage;
- (b) The discriminatory provisions in the Civil Code regarding the legal minimum age of marriage for girls (15) and for boys (18) (art. 144) and permitting parents to substitute their consent for marriage of their daughters (art. 148);
- (c) The acceptance of polygamy and repudiation under customary law.

## **Marriage and family relations**

**43. The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, as well as joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, recommends that the State party:**

- (a) Expedite the adoption of legislation raising the minimum legal age of marriage to 18 years for both girls and boys and requiring the consent of both future spouses to any marriage;**
- (b) Repeal all discriminatory provisions in the Civil Code and adopt a non-discriminatory personal status code;**
- (c) Prohibit, including under customary law, the harmful practices of child marriage, forced marriage and polygamy and repudiation and conduct awareness-raising campaigns targeting parliamentarians, traditional and religious leaders and the general public on the harmful effects of these practices on women and girls.**

## **Data collection and analysis**

44. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.

### **Beijing Declaration and Platform for Action**

45. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

### **2030 Agenda for Sustainable Development**

46. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

### **Dissemination**

47. 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 (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

### **Technical assistance**

48. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

### **Ratification of other treaties**

49. The Committee encourages the Government to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

### **Follow-up to the concluding observations**

50. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (a), 23 (a), 23 (d) and 29 (b) above.

### **Preparation of the next report**

51. The Committee requests the State party to submit its fifth periodic report, which is due in July 2021. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.

### **Preparation of the next report**

52. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).