



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of the Niger*

1. The Committee considered the fifth periodic report of the Niger (CEDAW/C/NER/5), submitted under the simplified reporting procedure, at its 2031st and 2032nd meetings (see CEDAW/C/SR.2031 and CEDAW/C/SR.2032), held on 30 January 2024.

A. Introduction

2. The Committee appreciates the submission by the State party of its fifth periodic report, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/NER/QPR/5). It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/NER/FCO/3-4). It 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 of Justice and Human Rights, Alio Daouda, and included representatives of the national mechanism for reporting and follow-up to the recommendations of the treaty bodies and the universal periodic review, the ministries concerned with public health, justice, population and social affairs, the interior, public security and territorial administration, as well as the Ambassador and Permanent Representative and other representatives of 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 the consideration in 2017 of the State party's combined third and fourth periodic reports (CEDAW/C/NER/CO/3-4) in undertaking legislative reforms, in particular the adoption of the following:

(a) Amendment to the Quota Act (No. 2000-08) increasing quotas for women in elected positions from 15 to 25 per cent and in appointed positions from 25 to 30 per cent, in 2019;

* Adopted by the Committee at its eighty-seventh session (29 January–16 February 2024).



(b) Decree No. 2018-429/PRN/MJ27 on the modalities of the creation, functioning, financing and monitoring of shelters for victims of trafficking in persons, in 2018;

(c) Decree No. 2017-935/PRN/MEP/A/PLN/EC/MES on protection, support and care for girls in school, in 2017.

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 adoption of the following:

(a) National strategy on education of girls and women, 2020–2030, in 2020;

(b) National action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, in 2020;

(c) Spotlight programme, 2019–2022, on the elimination of violence, harmful practices and obstacles to access to sexual and reproductive rights for women and girls, in 2019;

(d) National action plan on gender equality, 2018–2022, in 2018;

(e) National health policy and the fourth health development plan, 2017–2020, in 2017.

6. The Committee welcomes the fact that, in 2019, the State party ratified the Maternity Protection Convention, 2000 (No. 183), of the International Labour Organization (ILO).

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). 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 submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Constitutional and legislative framework

9. The Committee notes with concern that the Constitution of 2010 was suspended in 2023. The Committee notes that other national legal and policy frameworks, including those in relation to women, have been maintained and that, according to

article 1 of Ordinance No. 2023-02 of 28 July 2023 on the organization of public powers during the transition period, the State party guarantees the rights and duties of persons and citizens as defined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. However, the Committee notes with concern that there is a need to develop a new constitution that incorporates the provisions of the Convention and effectively ensures the protection of the rights of women and girls and gender equality and prohibits discrimination against women and girls in the State party.

10. The Committee calls for the prioritization of the consolidation of the rule of law, the constitutional order and the implementation of the Convention, as effective safeguards to protect and ensure respect for women's rights. It calls upon the State party to implement the recommendations contained in the present concluding observations as a matter of high priority for national mobilization and international support, emphasizing in particular systematic and strengthened engagement with the United Nations country team in ensuring the protection and promotion of women's rights. The Committee urges the State party:

(a) **To ensure that the new constitution and other relevant legislation incorporate a definition of direct and indirect discrimination against women in the public and private spheres and intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere;**

(b) **To consider developing a new constitution, in consultation with all women in the State party, that recognizes the State party's legal obligations under international and regional human rights and women's rights instruments.**

Reservations

11. The Committee remains concerned that the State party maintains reservations to articles 2 (d) and (f), 5 (a), 15 (a), 15 (4), 16 (1) (c) and (e) and 29 of the Convention, which may be incompatible with the object and purpose of the Convention and constitute an obstacle to the implementation of the Convention as a whole in the State party.

12. **The Committee recalls its previous recommendation (CEDAW/C/NER/3-4, para. 9) that the State party withdraw its reservations and welcomes the commitment made by the State party's delegation during the interactive dialogue to continue the national dialogue towards their withdrawal. In this regard, the State party should take into consideration the practices of countries with similar cultural backgrounds and legal systems that have successfully harmonized national legislation with their international human rights obligations, in particular those under the Convention. The Committee also recommends that the State party ensure the meaningful participation of religious and community leaders and members of civil society, in particular women's organizations, in that process.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

13. The Committee takes note of the efforts of the State party to enhance the visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations, including through capacity-building for public officials and awareness-raising campaigns on women's rights, gender equality and the criminal

nature of gender-based violence against women, in partnership with development partners and local civil society organizations. It is concerned however that awareness among women of their human rights and the remedies available to claim them remains low, in particular among rural women and women and girls with disabilities.

14. The Committee recommends that the State party:

(a) Intensify its efforts to raise awareness among women of their rights under the Convention and the legal remedies available to them to claim violations of those rights and widely disseminate information on the Convention, the Committee's jurisprudence under the Optional Protocol and its general recommendations, including in accessible formats;

(b) Provide systematic capacity-building for government officials, judges, prosecutors, members of the police and other law enforcement officers, as well as lawyers, on the application of the Convention.

Access to justice

15. The Committee takes note of the State party's ongoing reform of the justice system, aimed at achieving credible, fair and accessible justice for all by 2035. However, it notes with concern the persistent barriers faced by women and girls in gaining access to justice, including access to justice for rights violations against women in conflict situations, in particular:

(a) The continued and almost exclusive resort to traditional courts in many parts of the State party, which often results in decisions that are discriminatory against women and girls, owing to the lack of adequate training for mediators on gender equality and women's rights, and the absence of a legal framework regulating the relationship between formal and traditional justice systems;

(b) The limited capacity on the part of the judiciary and law enforcement officials to apply the Convention directly in legal proceedings or to interpret national legislation in conformity with the Convention.

16. Recalling 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. It recommends that the State party:

(a) Adopt legislation to regulate the harmonization between the formal and traditional justice systems, ensure that women have effective access to justice, that statutory laws take precedence over customary laws and that the norms, procedures and practices of traditional and religious justice systems are in conformity with the Convention;

(b) Provide training for members of the judiciary, including traditional court judges and qadis, and for law enforcement officials to enable them to apply the Convention directly in legal proceedings or to interpret national legislation in conformity with the Convention;

(c) Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Women and peace and security

17. The Committee notes with appreciation the adoption of the national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, for the periods 2017–2019 and 2020–2024. However, it is concerned about the lack of information on the assessment of the national action plans

and on their impact on the lives of women, in particular women living in conflict-affected areas and internally displaced women, as well as the lack of effective representation of women, women's civil society organizations and women human rights defenders, in processes related to the women and peace and security agenda.

18. The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and recommends that the State party:

(a) **Effectively implement and assess the national action plans for the implementation of Security Council resolution 1325 (2000) on women and peace and security, in cooperation with representatives of women's civil society organizations and women human rights defenders, and ensure that such plans take into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Security Council resolution 1325 (2000) and subsequent resolutions, and incorporate a model of substantive equality that addresses gender-based violence and discrimination against women in all spheres of women's lives, including intersecting forms of discrimination against women;**

(b) **Ensure the meaningful and inclusive participation of women in all processes related to women and peace and security, in particular with regard to the adoption, implementation and assessment of relevant national action plans;**

(c) **Integrate a gender-responsive budget, develop indicators for the regular monitoring and evaluation of the implementation of the national action plans and establish accountability mechanisms.**

National machinery for the advancement of women

19. The Committee notes with concern that the Ministry for the Advancement of Women and Protection of Children has been downgraded to a Directorate for the Promotion of Women and Protection of Children under the Ministry of Health, and that the capacity of the gender units and focal points across various ministries is limited.

20. The Committee takes note of the information provided by the State party's delegation during the dialogue that the mandate of the national machinery for the advancement of women would be maintained and recommends that the State party:

(a) **Consider transforming and elevating the status of the Directorate for the Promotion of Women and Protection of Children to that of a line ministry responsible for women's affairs, with adequate human, technical and financial resources allocated to coordinate public policies and strategies for gender equality and the advancement of women across all government departments;**

(b) **Ensure that the gender units and focal points in relevant ministries are fully operational at the national and local levels;**

(c) **Conduct systematic training on women's human rights, the women and peace and security agenda of the Security Council and gender equality for civil servants upon their initial appointment, with regular refresher courses, and monitor gender mainstreaming across all sectors, in line with the 2030 Agenda for Sustainable Development, in order to promote women's rights as a leading force for sustainable development.**

National human rights institution

21. The Committee notes that the Commission nationale des droits humains was accredited with A status by the Global Alliance of National Human Rights Institutions, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), from 2017 to 2023. However, the Committee notes with concern that, under ordinances No. 2023-01 and No. 2023-02 of 28 July 2023, the Commission was abolished and replaced by a national observatory for human rights, which is not yet operational.

22. The Committee recommends that the State party implement the recommendations of the Global Alliance of National Human Rights Institutions to re-establish a full-fledged and independent national human rights institution, in accordance with the Paris Principles, with a strong mandate to protect and promote women's rights and adequate human, technical and financial resources allocated to it, and to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in that regard.

Temporary special measures

23. The Committee takes note of the State party's efforts to introduce temporary special measures to increase the representation of women in political and public life. However, it notes with concern the limited use of temporary special measures in other areas where women, including rural women and women with disabilities, are underrepresented and disadvantaged, such as decision-making at all levels, education, health care, conflict resolution, peacebuilding, economic and social life and employment.

24. 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) **Avail itself of technical assistance to promote understanding of the non-discriminatory nature and added value of temporary special measures among parliamentarians, policymakers, other public officials, employers and members of the private sector and the general public;**

(b) **Adopt temporary special measures, such as targeted recruitment, hiring and promotion, public budgeting and procurement and affirmative action, and establish time-bound targets, as a necessary strategy to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, such as education, employment, health care, conflict resolution, peacemaking processes, investment models and economic and social life, with particular attention given to internally displaced women, refugee, stateless and migrant women, women with disabilities, rural women and older women;**

(c) **Monitor the implementation of temporary special measures and assess their effectiveness in achieving substantive equality between women and men, including by systematically collecting disaggregated data on the impact of temporary special measures across sectors, and include such data in its next periodic report.**

Stereotypes

25. The Committee notes that the State party has taken some steps to combat gender stereotypes. However, it is concerned about the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family

and in society in the State party and the lack of measures to address such stereotypes and deep-rooted patriarchal attitudes, which exacerbate gender-based violence against women, including sexual violence in peace time, conflict and humanitarian situations. It notes with concern the absence of a comprehensive strategy to address the stereotypical portrayals of women in the media, the education system and political and public discourse.

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

(a) **Develop and implement a comprehensive strategy, including for the digital space, targeting community and religious leaders, teachers, girls and boys and women and men, to eliminate stereotypes regarding the roles and responsibilities of women and men in the family and in society and develop targets and indicators to systematically measure the impact of the strategic interventions undertaken;**

(b) **Provide relevant public officials and the media, as well as the private sector, with capacity-building training on the use of gender-responsive language and promote positive portrayals of women as active drivers of development;**

(c) **Take targeted measures, including awareness-raising activities, paid paternity leave or shared parental leave, to promote the equal sharing of domestic and childcare responsibilities between women and men, as well as responsible fatherhood.**

Harmful practices

27. The Committee notes with appreciation that, in 2020, the High Court of the Niger reaffirmed the prohibition of the practice of *wahaya*, characterized as a form of slavery, including sexual slavery, and that the Ministry of Justice established a national committee charged with reviewing the Criminal Code and the Code of Criminal Procedure in 2022, with a view to criminalizing the practice of *wahaya*. However, the Committee remains concerned about the persistence of this harmful practice and the lack of legislation expressly criminalizing it.

28. **The Committee recommends that the State party amend the Criminal Code to specifically criminalize the practice of *wahaya*, with similar sentences as for other forms of slavery.**

29. The Committee notes that the Criminal Code prohibits female mutilation (arts. 232.1–232.3) and recognizes the accidental death of the victim as an aggravated circumstance (art. 232.2) punishable by 10 to 20 years' imprisonment. However, it notes with concern the lack of enforcement of these provisions and the persistence of this harmful practice throughout the State party.

30. **Recalling its general recommendation No. 14 (1990) on female circumcision, the joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, as well as its previous recommendations to the State party (CEDAW/C/NER/CO/3-4, para. 21), the Committee urges the State party:**

(a) **To ensure the strict application of the relevant provisions of the Criminal Code and strengthen awareness-raising campaigns, in particular among religious and community leaders, health professionals, teachers, parents and girls, in cooperation with civil society, on the criminal nature of female genital mutilation, its adverse effects on the human rights, physical integrity, health and dignity of women and girls, its long-term physical and psychological**

consequences and the need to eradicate it and its underlying cultural justifications;

(b) To ensure that perpetrators of female genital mutilation and their accomplices are prosecuted and adequately punished, and provide alternative income opportunities for traditional circumcisers.

Gender-based violence against women and conflict-related violence against women

31. The Committee takes note of the State party's efforts to combat gender-based violence against women at all times, including the criminalization of conflict-related sexual violence as a war crime under the Criminal Code and the adoption of a communications strategy on violence against women and girls and harmful practices and an action plan for its implementation, in 2021. However, it notes with concern the high incidence of gender-based violence against women and girls, including sexual and domestic violence, its underreporting, the low prosecution and conviction rates, the lenient sentences for perpetrators and the stigmatization of survivors in the State party. In particular, it notes the following with concern:

(a) The lack of progress in amending the Criminal Code to specifically criminalize marital rape and in adopting a definition of a statutory rape;

(b) That, despite the fact that article 208 of the Criminal Code recognizes sexual violence in conflict as a war crime, many women and girls continue to be subjected to rape and other forms of sexual violence and to abductions, including abductions of women and girls into forced marriage by armed groups in border areas;

(c) The lack of shelters and victim support services, including medical, psychosocial, sexual and reproductive and mental health services and rehabilitation services, for women who are survivors of rape, sexual slavery and other forms of sexual violence;

(d) The lack of information on the status of the legal framework on transitional justice to address gender-based violence in conflict and humanitarian crises.

32. Recalling its general recommendation No. 35 (2017) and general recommendation No. 30 (2013), the Committee recommends that the State party:

(a) Expedite the amendment of the Criminal Code and other legislation to criminalize all forms of gender-based violence against women, including marital rape, and take into account the special protection needs of women with disabilities and internally displaced women;

(b) Intensify awareness-raising efforts among the general public on the criminal nature of all forms of gender-based violence against women, including domestic and sexual violence, including marital rape, and on the need to report such cases and protect survivors from reprisals, stigmatization and revictimization;

(c) Ensure that women and girls who are survivors of gender-based violence have access to affordable and, if necessary, free legal aid, ensure affordable access to forensic evidence and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers in gender-sensitive investigation and interrogation methods in cases of gender-based violence;

(d) Strengthen victim support services and protection, including a hotline operational around the clock, adequate and accessible shelters, medical

treatment, psychosocial counselling and economic support, in all parts of the State party;

(e) Ensure that victims of conflict-related sexual violence and children born of rape are protected from stigma, discrimination and exclusion and have access to comprehensive medical, psychosocial, sexual and reproductive and mental health services;

(f) Adopt a legal framework on transitional justice to address gender-based violence against women in conflict and humanitarian situations, including reparations for victims of conflict-related sexual violence.

Trafficking in women

33. The Committee takes note of the efforts of the State party to strengthen its legal and policy framework to combat trafficking in women and girls, including the establishment of a shelter for victims of trafficking in Zinder in 2019 and the development of a national victim referral mechanism in 2020. However, the Committee notes with concern that the State party remains a country of departure, transit and destination for trafficking in women and girls for purposes of sexual and labour exploitation and that internal trafficking remains a serious problem. It also notes the following with concern:

(a) The lack of criminalization of other forms of trafficking, including the discriminatory traditional practice of *wahaya* that perpetuates slavery and the exploitation of girls in forced labour and sexual servitude;

(b) The fact that the special compensation fund for victims of trafficking in persons established by ordonnance No. 2010-8624 is not yet operational;

(c) The lack of gender-sensitive procedures for handling with victims of trafficking;

(d) The lack of information on the number of prosecutions and convictions of traffickers compared with the number of identified victims.

34. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and its previous recommendations (CEDAW/C/NER/CO/3-4, para. 25), the Committee recommends that the State party:

(a) Adopt a law that expressly criminalizes *wahaya*, ensuring that the law also recognizes *wahaya* as a crime amounting to trafficking of persons;

(b) Expedite the operationalization of the special compensation fund for victims of trafficking in persons;

(c) Ensure that all cases of trafficking in women and girls are investigated and prosecuted, that perpetrators are adequately punished and that women and girls who are victims of trafficking have adequate access to victim support services, including shelters and counselling services and rehabilitation programmes, and provide adequate funding and/or subsidies for the rental of premises and the utility costs for shelters operated by non-governmental organizations;

(d) Provide capacity-building for the members of the judiciary, law enforcement officials, immigration and law enforcement officers, border guards and social workers on the application of the provisions in criminal law and legal and policy frameworks to combat trafficking in women and girls and on the early identification and referral of victims to appropriate services;

(e) **Conduct awareness-raising campaigns on the risks of trafficking and provide income-generating opportunities, financial support, legal assistance and pre-departure information, including through a toll-free hotline, to migrant women and girls;**

(f) **Ensure the enactment and enforcement of laws and policies on trafficking in persons and the systematic collection and analysis of data on trafficking, disaggregated by the age, sex and nationality of the victim and by form of trafficking.**

Participation in political and public life

35. The Committee is concerned that women remain underrepresented in decision-making positions, including in the Government, the judiciary, the public service, the foreign service, the armed forces and in international organizations.

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

(a) **Introduce targeted measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004), such as increased quotas to achieve parity and the equal and meaningful participation of women in decision-making systems, including conflict resolution and peacebuilding and targeted campaign financing, to increase the representation of women in the parliament, the government, the judiciary, the public service, the foreign service, the armed forces and in international organizations, in particular at decision-making levels;**

(b) **Provide campaign financing and capacity-building for women politicians and candidates on political campaigning, leadership and negotiation skills and raise awareness, in collaboration with the media, among politicians, religious and community leaders and the general public of the importance of the full, independent and democratic participation of women on an equal basis with men in political and public life as a requirement for achieving political stability and sustainable development in the State party;**

(c) **Provide capacity-building and training for women managers in the private sector, sensitize private sector entities on the importance of the equal participation of women in leadership positions and incentivize public and private listed companies to increase the number of women on boards and in leadership positions;**

(d) **Introduce the preferential recruitment of women to the judiciary, the public service and the foreign service, including in diplomatic missions, and support women candidates applying to international organizations.**

Nationality

37. The Committee commends the State party on the amendment to the Nationality Code allowing for double nationality and on the adoption of the national action plan to fight statelessness, in 2019. However, the Committee notes with concern the persistent gaps in the legal, institutional and administrative framework, in particular the lack of the following:

(a) A legal framework for statelessness determination procedures;

(b) Information on the outcome of the study conducted in 2020 on the situation of statelessness and the risk of statelessness;

(c) Information on legal safeguards and remedies available to stateless women and children awaiting deportation.

38. With reference to its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) **Adopt legislation to regulate statelessness determination procedures;**

(b) **Ensure that effective legal safeguards and remedies are available to stateless women and children awaiting deportation and ensure the effective protection and resilience of forcibly displaced persons and their peaceful coexistence with host communities;**

(c) **Collect data on stateless women and girls, disaggregated by age and ethnicity, and provide such data in its next periodic report, along with the results of the study on the situation of statelessness and the risk of statelessness.**

Education

39. The Committee notes the following with concern:

(a) The limited access to safe and high-quality education for girls and women in the State party, in particular for those living in areas affected by armed conflict, climate change and natural disasters, resulting in attacks and the occupation of schools by the military and armed groups, the destruction and damaging of schools and power cuts, as well as for internally displaced women and girls, refugee, asylum-seeking and migrant women and girls and women and girls with disabilities;

(b) The lack of implementation of the existing education framework;

(c) The low literacy rate among women (only 29 per cent in 2020);

(d) The high dropout rates among girls at the secondary level of education, attributable to early pregnancy, child marriage, discrimination based on sex and/or disability, military attacks on schools and the lack of menstrual hygiene products and of separate sanitary facilities in schools, in particular in rural areas;

(e) The lack of age-appropriate sexuality education, including on responsible sexual behaviour and the prevention of sexually transmitted infections.

40. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party raise awareness of the importance of girls' education as a basis for their empowerment and:

(a) **Ensure access to safe and high-quality education for girls and women, strengthen measures to prevent the occupation of schools by the military and armed groups and implement the Safe Schools Declaration, the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict and Security Council resolution 2601 (2021);**

(b) **Strengthen the efficiency, accountability and implementation by the Ministry of Education and other relevant stakeholders of all existing education frameworks and measures to increase equal access to high-quality education for women and girls at all levels;**

(c) **Strengthen literacy campaigns and take other targeted measures to reduce the high illiteracy rates among women and girls, with a focus on girls living in poverty, rural girls, migrant, asylum-seeking and refugee girls, pregnant girls and young mothers and girls with disabilities;**

(d) Take measures to increase school enrolment, retention and completion rates among girls, in particular at the secondary school level, such as by providing scholarships for girls and free school meals, and promote increased access to electricity for power and lighting, continuing education for women, non-traditional educational choices among girls, such as in the fields of science, technology, engineering and mathematics and information and communications technology, and the development of leadership skills, critical thinking and the ability to lead and take decisions among girls;

(e) Address the causes of school dropout among girls, including child and forced marriage and early pregnancy, and ensure that young mothers can return to school following childbirth, with a view to completing their education, obtaining diplomas and gaining access to higher education or employment;

(f) Provide free menstrual hygiene products, ensure that school environments, including separate sanitary facilities, are free from gender-based violence against women and girls, provide safe transportation to and from schools, investigate, prosecute and adequately punish all cases of harassment and gender-based violence, including corporal punishment, perpetrated against girls and women in educational institutions and provide immediate protection to victims;

(g) Raise awareness among parents, teachers, traditional and religious leaders, women, men, girls and boys of the importance of the education of girls and women for their economic empowerment, personal development and autonomy and provide mandatory professional training on women's rights and gender equality to teachers and school administrators;

(h) Allocate the necessary human, technical and financial resources for the education of girls with disabilities, including by increasing the number of schools offering inclusive education throughout the State party, and take measures to ensure accessibility and reasonable accommodation for girls with disabilities in schools;

(i) Integrate into curricula, at all levels of education, inclusive and accessible content on gender equality, including on women's rights and the harmful effects of gender-based violence against women and girls, age-appropriate sexuality education, paying particular attention to responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted infections, and human rights and peace education.

Employment

41. The Committee notes with concern the underrepresentation of women in the labour force in the State party and their limited access to employment opportunities, owing to low levels of education, confinement to stereotypical gender roles in the domestic sphere and economic dependence on husbands. In particular, the Committee notes the following with concern:

(a) The concentration of women in low-paying jobs in the informal economy, in particular in subsistence agriculture, where they are exposed to exploitation and excluded from social security coverage;

(b) The large number of women engaged in unpaid care work;

(c) The limited enforcement of the principle of equal pay for work of equal value and the significant gender pay gap in the State party, despite the ratification of the ILO Equal Remuneration Convention, 1951 (No. 100);

(d) The barriers faced by women to access to management positions and higher-paying jobs in the formal economy, in particular among disadvantaged and marginalized groups of women, including internally displaced women and women with disabilities;

(e) The legislative restrictions on hiring women for work which may impair their ability to procreate, under articles 177, 178 and 370 of decree No. 2017-682/PRN/MET/PS), on the loads that women are allowed to carry, drag or push and on their work in transport on pedal-powered tricycles, as well as the possibility for a husband to object to his wife's choice of profession, under article 223 of the Civil Code, which impedes women's free choice of profession and employment;

(f) That, despite the criminalization of sexual harassment in the workplace under the Criminal Code (art. 281.1), it remains prevalent and cases are rarely reported.

42. The Committee recommends that the State party:

(a) Strengthen access for women to formal employment and social protection;

(b) Recognize, reduce and redistribute the burden of unpaid care work on women by providing affordable childcare facilities and care services for older persons and promoting the equal sharing of domestic and family responsibilities between women and men and ensure that women employed in family businesses are adequately remunerated and have access to social protection schemes;

(c) Enforce the principle of equal pay for work of equal value, regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;

(d) Improve access to employment and training opportunities for disadvantaged and marginalized groups of women, such as women belonging to ethnic minority groups, migrant women, internally displaced women, refugee and asylum-seeking women and women with disabilities;

(e) Repeal all legislative provisions imposing excessive restrictions for the employment of women and ensure women's free choice of profession and employment;

(f) Strengthen the implementation of the provisions of the Labour Code and the Criminal Code on sexual harassment in the workplace, ensure that women who are victims of sexual harassment have access to effective remedies, that their complaints are effectively investigated, that perpetrators prosecuted and adequately punished and that victims are protected from retaliation, conduct regular labour inspections and ratify the ILO Violence and Harassment Convention, 2019 (No. 190).

Health

43. The Committee takes note of the measures taken by the State party to improve access for women to health-care services, including the adoption of the policy of free health care for pregnant women and children under 5 years of age, the increase in the national health-care coverage rate and the establishment of health centres. However, the Committee notes the following with concern:

(a) The persistently high rates of maternal mortality, early pregnancy and malnutrition among women, the limited access among women to antenatal and

postnatal health-care services and the low rate of births attended by skilled health personnel, in particular in rural areas;

(b) The lack of age-appropriate education on sexual and reproductive health and rights and family planning and the high level of unmet need for contraceptives;

(c) That abortion is still criminalized, due to delays in amending the Criminal Code to legalize abortion in case of rape, incest or threats to life or health of the mother and in cases of severe fetal impairment.

44. The Committee, recalling its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals, and recommends that the State party:

(a) Strengthen access for women to antenatal, perinatal and postnatal health services, to reduce the high rates of maternal mortality, including by training midwives and other relevant health professionals, especially in rural areas;

(b) Ensure that women and girls, including rural women and girls, unmarried women, migrant women, refugee and asylum-seeking women, internally displaced women and women and girls with disabilities, have adequate access to sexual and reproductive health services and information, including family planning, modern forms of contraception and safe abortion and post-abortion services;

(c) Accelerate the adoption of the provision of the Criminal Code that seeks to legalize abortion at least in cases of risk to the life or health of the pregnant woman, rape, incest and severe fetal impairment and decriminalize it in all other cases;

(d) Collect data, disaggregated by age and region, on unsafe abortion and its impact on women's health, including maternal mortality.

Economic and social benefits

45. The Committee takes note of the adoption of the national strategy for women's economic empowerment and the national action plans for the periods 2018–2022 and 2022–2026, the adoption of the national poverty reduction strategy and the establishment of a consultation framework, in 2019, aimed at promoting the economic empowerment of women in the Niger. It also takes note of the measures undertaken by the State party to finance a large number of microprojects and income-generating activities for women in the context of poverty reduction. However, it notes the following with concern:

(a) The increasing feminization of poverty and the marginalization of disadvantaged groups of women, in particular women heads of households in rural areas, women and girls with disabilities, internally displaced women, women who are survivors of gender-based violence, women living in poverty and women in unpaid work, who have limited access to economic and social benefits, decent work, limited control over their own time, lives and bodies and lack opportunities for meaningful participation in social and economic decision-making at all levels, which is exacerbated by deep-rooted social norms that are discriminatory against women;

(b) Limited access for women to land ownership, loans and other forms of financial credit, bank accounts and financial services in the State party;

(c) The lack of a social safety net for single mothers, widows, women and girls with disabilities, women severely affected by the coronavirus disease

(COVID-19) pandemic, women agricultural workers affected by climate change and other women facing intersecting forms of discrimination and exclusion.

46. The Committee recommends that the State party:

(a) **Address the feminization of poverty by mainstreaming gender into national strategies and action plans, in particular the national strategy for the economic empowerment of women and the national poverty reduction strategy, and ensure that women, especially those belonging to disadvantaged groups, in particular women heads of households in rural areas, women and girls with disabilities, internally displaced women, women who are survivors of gender-based violence, women living in poverty and women in unpaid work, can meaningfully participate in the implementation, monitoring, evaluation and renewal of the strategies and have access to adequate social and economic benefits;**

(b) **Address the deep-rooted discriminatory and entrenched social and cultural norms that serve to socially and economically disempower women and girls, by developing public policy and taking action to systematize awareness-raising and public education on the value of women's socioeconomic empowerment among religious leaders, women's non-governmental organizations, boys and men, in line with the Sustainable Development Goals and national development priorities, and ensure that women have access on an equal basis with men to land ownership, low-interest loans without collateral, entrepreneurship opportunities and information and communications technology, so that they can engage in e-commerce and cross-border trade of their goods and products;**

(c) **Adopt specific policies on access to a social safety net for single mothers, widows, women and girls with disabilities, women severely affected by the COVID-19 pandemic, women agricultural workers affected by climate change and other women facing intersecting forms of discrimination and exclusion and mechanisms for their effective implementation.**

Rural women

47. The Committee notes the following with concern:

(a) That discriminatory patriarchal attitudes and negative stereotypes restrict access for rural women to the ownership, control and use of land;

(b) The limited access among rural women to basic services, financial credit and modern farming technologies and their underrepresentation in decision-making;

(c) The lack of disaggregated data on rural women and women belonging to disadvantaged or marginalized groups.

48. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party integrate and mainstream a gender perspective into all agricultural and rural development strategies, plans and programmes, enabling rural women to act and be visible as stakeholders, decision-makers and beneficiaries, and in particular:

(a) **Dismantle the patriarchal attitudes and gender stereotypes that impede equal access by rural women to land and productive resources;**

(b) **Intensify efforts to ensure service delivery in rural areas to promote access for rural women to education, formal employment, climate-smart agriculture and technology to increase agricultural productivity, health care, including sexual and reproductive health services, social protection, housing,**

adequate water and sanitation and modern farming technology, including knowledge on food harvesting techniques, preservation, storage, processing, packaging, marketing and entrepreneurship;

(c) **Ensure that rural women are able to participate effectively in planning and decision-making related to rural infrastructure and services and in the planning, adoption, budgeting, implementation, monitoring and evaluation of agricultural and rural development policies;**

(d) **Collect data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women belonging to disadvantaged or marginalized groups.**

Disadvantaged groups of women

49. The Committee is concerned about the situation of disadvantaged groups of women, in particular women heads of households in rural areas, women and girls with disabilities, internally displaced women, women who are survivors of gender-based violence, women living in poverty and women in unpaid work, who have limited access to the full enjoyment of their rights, in particular with regard to their access to education, employment, health, justice, economic and social benefits and meaningful and equal participation in political and public life. It is also concerned about the lack of disaggregated data on disadvantaged groups of women.

50. The Committee recommends that the State party take the legal, administrative and financial measures necessary to ensure the rights of disadvantaged groups of women and collect disaggregated data and information on the status of disadvantaged and marginalized groups of women.

Disaster risk reduction and climate change

51. The Committee is concerned that women, in particular rural women, women with disabilities, women living in poverty and refugee and asylum-seeking women are disproportionately affected by the effects of climate change, such as prolonged droughts, frequent floods, displacement and unpredictable rainfall, given that they lack the coping mechanisms necessary to strengthen their climate change adaptation and resilience.

52. The Committee recommends that, in line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially rural women, women with disabilities, migrant women, refugee and asylum-seeking women and women living in poverty, and ensure that women are meaningfully involved in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction, and that the State party:

(a) **Collect disaggregated data on the impact of climate change and natural disasters on all women and girls;**

(b) **Incorporate a gender perspective into climate change and disaster risk reduction strategies, legislation, policies, financing and programmes to address the specific and unique needs of women and girls, including with regard to water, sanitation and hygiene for women in humanitarian situations, and build their resilience and effective adaptation to climate change;**

(c) **Increase access to electricity, climate change and disaster risk management literacy and awareness among communities, in particular women**

and girls, including rural women, migrant women, refugee and asylum-seeking women and women with disabilities, to empower them to demand their rights and participate effectively in climate change decision-making;

(d) Support women and ensure that women equally and actively participate in the creation and operation of new funding arrangements for responding to loss and damage, as decided at the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in 2022.

Marriage and family relations

53. The Committee takes note with appreciation of some initiatives undertaken by the State party, such as the Illimin initiative aimed at reducing child marriage and early pregnancy among adolescent girls, as well as the sensitization of traditional and religious leaders and members of the general public on the harmful effects of these practices on women and girls. It takes note of the information provided by the delegation of the State party concerning the initiated reform of the Civil Code, which includes raising the legal minimum age of marriage. However, the Committee notes the following with concern:

(a) The lack of progress in amending article 144 of the Civil Code, defining the legal minimum age of marriage for girls (15) and for boys (18), and article 148, authorizing parents to substitute their consent to marriage for their daughter's;

(b) That, under article 213 of the Civil Code, a woman is not considered a head of household and that articles 228 and 296 do not guarantee equal rights for women and men in case of remarriage;

(c) That the formal justice system is used in matters related to marriage and family relations only when the parties have agreed or when one of them unequivocally renounces the use of the traditional justice system, which perpetuates customary practices and traditions that are discriminatory against women and girls.

54. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) Amend the Civil Code to set the legal minimum age of marriage at 18 years of age for both women and men and pursue its efforts to combat child marriage, especially in rural areas, including by addressing its root causes, encouraging reporting and ensuring the prosecution and adequate punishment of those responsible, including complicit family members, religious and community leaders and civil registrars, in accordance with joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019);

(b) Amend articles 213, 228 and 296 of the Civil Code to ensure that women and men have equal rights in marriage and family relations;

(c) Establish a clear time frame for the review of customary laws that are in conflict with the Convention, in collaboration with women's and civil society organizations, with a view to harmonizing them with the Convention;

(d) Provide systematic capacity-building on equal rights for women and men in marriage and family relations and upon their dissolution, as well as on equal inheritance rights, for members of the judiciary, including traditional justice actors, custodians of customary law and women and girls, especially in rural areas.

Beijing Declaration and Platform for Action

55. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

56. 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 parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

57. The Committee recommends that the State party 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

58. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 (a), 18 (b), 40 (d) and 54 (a) above.

Preparation of the next report

59. The Committee will establish and communicate the due date of the sixth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

60. 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 ([HRI/GEN/2/Rev.6](#), chap. I).