



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Eighty-seventh session

3–28 August 2015

Item 4 of the provisional agenda

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

## List of themes in relation to the combined fifteenth to twenty-first periodic reports of the Niger (CERD/C/NER/15-21)

### Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### 1. Legal and institutional framework, policies and programmes for implementation of the Convention (arts. 1, 2, 4, 6 and 7)

(a) Measures taken to ensure that article 102 of the Criminal Code establishing racial discrimination as a criminal offence is in total compliance with the provisions of articles 1 and 4 of the Convention (CERD/C/304/Add.62, paras. 8 and 14; CERD/C/NER/15-21, paras. 14 and 55);

(b) Updated information on complaints of discrimination based on descent or national or ethnic origin. Information on the invocation and application of the provisions of the Convention by the State party's courts. Updated information on follow-up to cases of discrimination based on race or ethnic origin in access to employment based on article 5 of the Labour Code (CERD/C/304/Add.62, para. 14; CERD/C/NER/15-21, paras. 15, 21 and 200);



(c) Measures taken to guarantee that the legal provisions prohibiting the establishment of associations of a regional or ethnic nature are applied in conformity with article 5 (d) (ix) of the Convention; information on the activities of cultural associations (CERD/C/304/Add.62, paras. 9 and 15; CERD/C/NER/15-21, paras. 58 and 59);

(d) Human and financial resources allocated to the National Commission on Human Rights and other measures enabling it to operate in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Information on the work of the Ombudsman concerning cases of racial or ethnic discrimination (CERD/C/NER/15-21, paras. 18, 19 and 84);

(e) Measures taken to combat the broadcasting of regional, ethnic or xenophobic statements in media debates (CERD/C/NER/15-21, paras. 64 and 68);

(f) Updated information on activities relating to teaching, education, culture and information in order to prevent and combat all forms of racial discrimination (CERD/C/304/Add.62, para. 17).

## **2. Civil, political, economic, social and cultural rights of ethnic groups and other marginalized groups (art. 5)**

(a) Information on the participation of the various ethnic groups in political life (CERD/C/304/Add.62, paras. 10 and 16; CERD/C/NER/15-21, para. 132);

(b) Steps taken or to be taken to eliminate discrimination based on descent and to promote the right to property and the right to marry and choose a spouse. Detailed information on efforts made to combat the practice of slavery, including forced labour and forced marriage, as well as human trafficking. Information on multiple discrimination against women members of marginalized communities (CERD/C/NER/15-21, paras. 51 and 85);

(c) Information on the ability of different sections of the population to exercise their economic, social and cultural rights, without being subjected to discrimination on the grounds of ethnic origin. Efforts made to reduce ethnic and regional disparities in access to education, housing, health care and employment, in particular with regard to access to positions of responsibility and posts in the public service (CERD/C/304/Add.62, para. 16; CERD/C/NER/15-21, paras. 119 and 157);

(d) Efforts to promote the cultures of the different ethnic groups, in particular the promotion of all ethnic languages (CERD/C/304/Add.62, para. 12; HRI/CORE/NER/2013, para. 6; CERD/C/NER/15-21, para. 47);

(e) Information and statistics on groups identifying themselves as indigenous peoples of the Niger (A/HRC/17/15, para. 78.13 and A/HRC/17/15/Add.1, para. 25). Detailed information on the promotion of economic, social and cultural rights of nomadic populations, in particular the Tuareg, Fula and Toubou peoples. Measures taken to resolve intercommunal conflicts related to access to water and land;

(f) Measures taken to follow up on the Committee's letters dated 12 March and 27 August 2010 in the framework of its early warning and urgent action procedures on the impact of uranium extraction activities on the health and way of life of the Tuaregs.

**3. Situation of non-nationals (arts. 5 and 6)**

(a) Updated information on the Nationality Act, which prohibits female citizens of the Niger who marry foreigners from transmitting their nationality to their husbands (CERD/C/NER/15-21, paras. 60 and 61);

(b) Detailed information on access to justice for non-nationals, in particular the deposit of a surety against future payment of damages and interest.

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