



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

Distr.: General
8 May 2025

Original: English

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

Summary record of the 594th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 8 April 2025, at 3 p.m.

Chair: Ms. Diallo

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

Consideration of reports submitted by States Parties under article 73 of the Convention (*continued*)

Second periodic report of the Niger (CMW/C/NER/2; CMW/C/NER/QPR/2)

1. *At the invitation of the Chair, the delegation of the Niger joined the meeting.*
2. **A representative of the Niger**, introducing his country's periodic report (CMW/C/NER/2), said it was regrettable that only 60 States had become a party to the Convention and that none of the main destination countries for migrants were parties to it. Unlike those destination countries, African States had demonstrated their moral commitment to human rights, the defence of which called for broader and more concerted support from the international community. He therefore called on States in other regions of the world to show greater solidarity with migrant workers because the protection of their rights transcended borders and was a shared responsibility.
3. The Niger had been ostracized since 26 July 2023, when the country's defence and security forces had assumed control of the country. That seizure of power, which had immediately received an unprecedented level of popular support, had been driven by the rejection of poor governance characterized by injustice, impunity, nepotism and corruption, all of which undermined democracy and violated human rights. Following the regime change, the Niger had been subjected to unprecedented, unjust, illegal, inhuman and cruel sanctions imposed by the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (WAEMU), among other organizations. Those sanctions had included border closures, the interruption of medication and food supplies and the freezing of the country's bank accounts.
4. The sanctions – clearly the result of foreign agendas controlled by Western Powers – had deprived thousands of innocent people of food, healthcare, medication and education. The response of the international organizations had been a deafening silence. They had bowed to the dictates of foreign interests, undermining their independence and credibility and ignoring the fundamental rights of the people whom they were supposed to defend. The sanctions were nothing more than a brutal display of injustice.
5. Over the previous decade, the ability of the national authorities to implement the Convention had been hindered by the resurgence of attacks by armed terrorist groups supported by foreign Powers. As part of its efforts to promote and protect human rights, the Government had adopted Ordinance No. 2023-02 of 28 July 2023, on the organization of the public authorities during the transition period, and a transition charter, which guaranteed the human rights enshrined in universal instruments. Plans were in place to amend the Labour Code to strengthen the protection of migrant workers' rights and to adopt a revised Criminal Code that would prohibit all forms of discrimination and harassment.
6. National law guaranteed migrant workers access to social protection, including healthcare and education. Migrant workers whose rights had been violated could submit complaints to the competent administrative and judicial authorities and obtain access to free legal assistance and redress mechanisms. Institutions had been established to combat trafficking in persons and managing migratory flows, particularly in transit regions such as Agadez. The Government worked with the International Organization for Migration (IOM) and other agencies in order to provide migrants with humanitarian aid. As a stakeholder in the Global Compact for Safe, Orderly and Regular Migration, the Government was developing initiatives to provide accurate information to migrants, to facilitate their access to identity documents and to promote ethical recruitment practices.
7. The large number of migrants travelling through the Niger en route to North Africa and Europe put pressure on local infrastructure and the ability of institutions to manage migrant flows. According to the National Institute of Statistics, the Niger had received 1,844,661 migrants in 2018, 1,260,144 in 2019, 236,587 in 2020, 628,808 in 2021 and 451,857 in 2022. Despite the measures taken to combat the smuggling of migrants, criminal networks continued to exploit vulnerable migrants, particularly women and children, who were often subjected to abuse and precarious working conditions. The situation was

exacerbated by the uncooperativeness of certain neighbouring countries, which had no qualms about returning large numbers of migrants to the Niger.

8. Despite the signing of a number of bilateral and regional agreements, 18,728 migrants had been returned to the Niger in 2022. Those migrants had not been given sufficient information about their rights or the available redress mechanisms, which had restricted their ability to gain access to justice and protect themselves against abuse. Conflicts in neighbouring countries and humanitarian crises were increasing the migratory pressure on the Niger, making it even more difficult to implement migration policies. Partly in order to address that problem, efforts to revise national policies on employment and migration had been initiated.

9. Among all the challenges facing the Niger, terrorism remained the main obstacle to the realization of human rights, including the rights of migrant workers. Attacks in the border regions had displaced large numbers of persons, creating an unprecedented humanitarian crisis that affected the enjoyment of all human rights. The most recent attack had targeted Muslim worshippers in Fambita on 21 March 2025, claiming dozens of victims.

10. **Mr. Babacar** (Country Rapporteur) said that he wished to know whether the State Party would consider ratifying the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190) and the Protocol of 1995 to the Labour Inspection Convention, 1947. Given that discrimination and violations of rights primarily affected women migrants and unaccompanied children, it would be interesting to know whether the review of national migration policy would take into account matters relating to birth registration and the education of girls.

11. He wondered whether the Government would consider establishing a body responsible for implementing the Convention and dealing with matters relating to migration. He wished to know whether migrant workers, including those working in the informal sector, were able to bring claims before complaints mechanisms attached to the labour inspectorates and whether domestic workers were able to file complaints either before the inspectorates or the courts. Would the Government consider establishing regulations specifically intended to protect domestic workers?

12. He would welcome information on the mechanisms in place to monitor the implementation of the bilateral agreements established between the Niger and other countries with a view to protecting the rights of migrants of the Niger working abroad. He would appreciate the delegation's comments on the fact that article 190 of the Labour Code restricted membership of the boards of trade unions to nationals of the Niger, in violation of international conventions ratified by the country. He wondered whether any steps would be taken to prevent private employment agencies from engaging in unacceptable practices, such as withholding 20 per cent of the salaries of workers whom they had placed in employment.

13. **Ms. Poussi** (Country Rapporteur) said that she wished to know more about the planned revision of the Labour Code. She wondered, for example, what elements of the Convention, in addition to the definition of migrant workers and members of their families, would inform the revision, what the time frame for completion of the work was and whether provision had been made for regulations that would ensure that the revised Code entered into force. She wondered, too, what impact the National Migration Policy (2020–2035) and the related action plan had had over the first five years of their implementation.

14. She would welcome information on the practice of wahaya, involving the purchase of what was known as a fifth wife. In particular, she wished to know what form the practice took, how widespread it was, who the purchasers and the victims were and whether plans had been made to outlaw the practice and prosecute the purchasers.

15. She would appreciate clarification as to the status and content of the bilateral agreements listed in table 1 of the State Party's report. Regarding the reintegration of migrant workers returning from abroad, she wished to know what services the Reception and Orientation Office of the Directorate for Nationals of the Niger Abroad provided and how

many people it assisted. She wished to know, too, when and in what format the guide for the diaspora mentioned in the State Party's report had been produced, what kind of information it contained, how it had been distributed, whether it had been translated from the language in which it had been drafted into any other languages used in the State Party and what impact it had had. In addition, she wondered what the difference was between the interministerial steering committee and the technical committee responsible for the repatriation of nationals of the State Party from some countries and whether there was a mechanism that made it possible for the two bodies to coordinate their efforts.

16. A comprehensive description of the repatriation process, including resettlement in the State Party, would be of particular interest. It would also be interesting to learn whether the thousands of migrants and the members of their families who had been or were being helped to return to and reintegrate in the State Party as part of a reintegration programme administered with the support of IOM were migrant workers as such workers were defined in the Convention; over what time period those workers and their family members had been or were being helped to return; what assistance they were given upon their return; whether they were able to repatriate their foreign earnings; and whether steps were being taken in follow-up to the programme. In addition, she wished to know when the consultation mechanism on migration mentioned in the State Party's report (para. 24) had been set up, what authority it had, how it was structured, what resources had been set aside for its activities and to which authorities the recommendations it made were addressed.

17. **Ms. Dzumhur** said that she wished to know what plans the State Party had made to ratify other international instruments related to migration and whether the statistical data it had provided pertained to refugees or migrants in general. She also wished to know how the institutions responsible for migration management coordinated their work, including with security agencies. It would be helpful to learn more about the process of repatriating returning migrants; she would also like to know how many migrants returned to the State Party; whether pension and other benefits for which they had qualified abroad were disbursed to them upon their return to the State Party; how nationals of the State Party working abroad remitted funds home; and what services were offered by the State Party's consulates to its nationals abroad.

18. She wondered whether any steps had been taken to familiarize civil servants with the State Party's obligations under the Convention. She would welcome a description of the civil society organizations active in the State Party, in particular those working to promote the rights of women and children or of vulnerable persons such as persons with disabilities. She wished to know what legal remedies migrants could avail themselves of to contest administrative or other rulings not in their favour, whether the national human rights institution monitored places where migrants were deprived of their liberty and whether restrictions on the freedom of movement of some migrants were imposed and, if so, why. It would be helpful to learn whether all children in the State Party, including migrant children, had access to education and healthcare.

19. **Mr. Corzo Sosa** said that he would welcome more detailed information on the participation of civil society in the preparation of the State Party's report and on the outcome of the State Party's return and reintegration efforts. He also wished to know why, more than three years after the transmission to the Ministry of Foreign Affairs of an opinion in which other relevant ministries had expressed support for making the declarations provided for in articles 76 and 77 of the Convention, the declarations had still not been made. Lastly, he wondered why breaches of immigration law such as illegal entry and failure to renew a residence permit were considered criminal offences and what happened to the people who were arrested on suspicion of having committed such offences.

20. **Mr. Ceriani Cernadas** said that it would be helpful to know what factors had contributed to the State Party's decision to repeal the Smuggling of Migrants Act and whether that decision had been related in any way to the adoption of Ordinance No. 2025-02 on the entry and stay of foreign nationals or the State Party's withdrawal from ECOWAS. He wondered what effect that withdrawal would have on the free movement of persons between States members of the Community. He would be grateful for information on persons currently being housed at the humanitarian centre in Agadez, including their status and nationalities, and on the living conditions there, particularly for children and families.

21. **Mr. Charef** said that he would appreciate information on the impact, if any, of the repeal of the Smuggling of Migrants Act on the transit centres set up by IOM in the Niger; the deportations of migrants from Algeria to Assamakka, about which there were often media reports; and the reasons why relatively few persons from the Niger migrated abroad.

22. **The Chair** said that she wished to know whether civil society organizations and other non-State entities played a role in the mechanism for reporting and follow-up to the recommendations of the treaty bodies and the universal periodic review and whether that mechanism played any role in the preparation of alternative reports by civil society. It would be helpful to have further information on the support provided by the Government to civil society organizations in the preparation of such reports.

23. She wished to know why the National Human Rights Commission had been abolished and when the national observatory for human rights and fundamental freedoms, which was to replace the Commission, would be put in place. It would be helpful to receive information on the observatory's duties, composition, mandate and resources; the work that the Commission had done prior to its dissolution, particularly on the protection of the rights of migrant workers and in cases involving the deportation of migrants; and any positions that it had taken with respect to the rights of migrant workers.

24. She wished to know how the State Party handled the large number of migrants who, although not nationals of the Niger, were deported to the Niger from countries such as Algeria and Libya and waited for long periods at centres in the Niger or struggled to return to their countries, and to what extent it collaborated with the deporting countries, the migrants' countries of origin and United Nations agencies in its response. She would like to know whether the Convention had ever been invoked before domestic courts or cited in their decisions and, if so, what impact those decisions had had on the general legal or policy framework applicable to migration and on the implementation of the Convention in practice.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

25. **A representative of the Niger** said that the Government had had to set priorities with respect to the use of its resources. Migrants from the Niger working abroad were provided with advice and assistance in repatriating assets to allow them to invest in the Niger, but additional funds could not be made available for returning migrants' reintegration, particularly given the sanctions in place against the country. The Government was unable to mobilize sufficient resources to fully implement the National Migration Policy. The partners with whom the Policy had been developed, the European Union and France, had suspended their funding in its entirety.

26. The provisions of the Smuggling of Migrants Act on illegal border crossings had deviated from those in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Consequently, the Act had been repealed so that its provisions could be reviewed and brought into line with the Protocol.

27. Following its withdrawal from ECOWAS, the Niger had made a declaration regarding the free movement of nationals of ECOWAS member States, but ECOWAS had rejected the declaration. The Niger therefore applied the principle of reciprocity. The issues involved were of a political nature, however, and outside the scope of the Committee's mandate.

28. The Government had a duty to protect the country against attacks. The ordinance on the entry and stay of foreign nationals had been implemented to stop individuals from entering and destabilizing the country.

29. The Government provided training to civil society organizations on the preparation of alternative reports but did not make funds available to them for the submission or dissemination of their reports. Civil society had been involved in the preparation and validation of the State Party's periodic report. Citizens of the Niger living abroad had the right to vote and stand for elections.

30. Foreign nationals could join the union of their choice. They could hold a leadership position in a union after having lived in the Niger for three years. Workers, including domestic workers, could bring complaints before trade unions. Certain provisions of the

Convention and the principle of non-discrimination were reflected in the country's labour laws.

31. The Government had suspended an agreement with Saudi Arabia because of the many violations of the rights of workers from the Niger that had taken place there, and it had organized the workers' repatriation. Assistance to non-nationals of the Niger who were deported to the Niger and held in transit centres was provided solely by IOM. The Government sought the assistance of countries of origin in repatriating their nationals, but those countries often failed to respond. With the many sanctions against the Niger and its assets frozen, it did not have the resources to repatriate those persons to their countries of origin.

32. **A representative of the Niger** said that, since joining ILO in 1961, the Niger had ratified 41 Conventions and two Protocols. It had ratified the Private Employment Agencies Convention, 1997 (No. 181) in 2015 and was up to date in its reporting to the Committee of Experts on the Application of Conventions and Recommendations. The Niger had not ratified the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), or the Domestic Workers' Convention, 2011 (No. 189), but that had not prevented the Government from recognizing the vulnerability of migrant workers and working to ensure their protection. For example, activities had been carried out with international organizations to raise awareness of the Domestic Workers' Convention among employers, workers and trade unions. Similarly, the Niger had not ratified the Violence and Harassment Convention, 2019 (No. 190), but the Government nonetheless supported the fight against violence and harassment in the workplace and had provided training and capacity-building for trade unions on the subject.

33. The Niger had ratified the Labour Inspection Convention, 1947 (No. 81), and the Labour Administration Convention, 1978 (No. 150). Certain provisions of ILO conventions, including with regard to the obligations of labour inspectors, had been taken up in the Labour Code. The Niger had 10 labour inspectorates, which were based in the regional capitals and, owing to the presence of extractive operations, in the departments of Arlit and N'Gourti. Inspectors were required to visit all the companies under their jurisdiction, including those operating in the informal sector, at least once a year. Although labour inspectors might encounter difficulties in conducting monitoring owing to the scarcity of resources, there was nothing to prevent their receiving complaints from informal workers, including migrant workers. The Government had carried out several capacity-building activities for labour inspectors to help them to successfully enforce national laws and assist the State Party in fulfilling its international commitments. For example, the Ministry of Employment, Labour and Social Security had delivered training for labour inspectors on the Convention and other human rights treaties in order to help them to understand their role in protecting the rights of workers, including migrant workers.

34. The revision of the Labour Code was still at the planning stage. The Government was currently drawing up a list of observations, including those made by international organizations, concerning certain articles of the Code that were not in accordance with the country's international commitments. Moreover, officials working on the ground had identified certain difficulties in the application of the Code, which would be taken into account in the revision process.

35. All bilateral labour agreements with other countries, including the agreements with Libya and Saudi Arabia, were negotiated by experts from both parties. As a matter of course, such agreements, including the recent memorandum of understanding with Libya, negotiated under the aegis of IOM, identified the body responsible for monitoring their implementation.

36. Following the ratification of ILO Convention No. 181, the Ministry of Employment, Labour and Social Security had undertaken activities to raise awareness among private employment agencies of the importance of their role in protecting workers' rights. While abuses could not be ruled out, the Government considered that the vast majority of private employment agencies were aware that making deductions from wages was illegal.

37. The Government continued to take steps to bring domestic legislation into conformity with the Convention. For example, it planned to introduce the term "migrant workers and members of their families" into the Labour Code. The revision of the Code was still the

subject of consultations, and the Ministry of Employment, Labour and Social Security was taking the necessary steps to advance the process, which would necessarily include both the law and its implementing decree.

38. **A representative of the Niger** said that the National Migration Policy rested on three strategic axes: exploiting the potential of migration; protecting migrants, refugees and host communities; and managing migration flows. The second axis included a number of activities for the protection of migrants in general and migrant workers in particular. The registration of births, deaths and marriages was required under the Civil Status Act, and migrants were fully entitled to declare births, deaths and marriages to the competent authorities; thus, births of children to migrant and refugee parents were duly taken into account. Children of migrants enjoyed the right to education. The Government had recently issued birth certificates to such children in the final year of primary education, ensuring that they were able to sit the examination for entering secondary education.

39. Many initiatives had been taken during the first five years of implementation of the National Migration Policy. In 2023, an initial impact assessment had revealed that the Policy had delivered progress in the area of training on migrants' rights for the defence and security forces and for civil society. However, the Policy failed to take into account environmental and climate issues and was being modified accordingly.

40. The humanitarian centre in Agadez housed mostly Sudanese refugees and asylum-seekers who were awaiting resettlement under an emergency transit mechanism. However, since the change of government, that mechanism was no longer functioning. The Government would examine the asylum applications of all persons at the centre in order to determine whether they should be granted refugee status.

41. IOM continued to administer seven transit centres for migrants who had opted for voluntary return, which were located in Agadez, Arlit, Assamakka, Dirkou and Niamey (three centres). The centres only admitted migrants who had decided to return to their countries of origin. IOM continued to carry out regular voluntary repatriations with the authorization of the Ministry of the Interior. Delays in repatriation were largely the fault of the authorities of countries of origin, which often failed to respond promptly to requests by IOM to facilitate the return of their nationals. It was unacceptable for migrants who were not stateless and whose countries of origin had been identified to live in transit centres for prolonged periods.

42. The Government was deeply disturbed by the refoulement of migrants at the border crossing with Algeria. It estimated that an average of 500 people per day were intercepted in Algeria, taken back to the border and released at a location known as "Point Zéro", from where they had no option but to make their way to Assamakka, a small village 15 kilometres to the south. Nationals of the Niger were taken to the village in an official convoy; foreign nationals had to endure a long walk across the desert. Most of the migrants were not from the Niger but from other African States. The Government was striving to manage migration flows at the border and called upon the Algerian authorities to reconsider their unacceptable policy of expulsion.

43. **A representative of the Niger** said that the consultation mechanism on migration had been established in May 2016 pursuant to a joint order of the Ministry of the Interior and the Ministry of Justice and Human Rights. The mechanism involved all actors in the area of migration and consisted of a technical group, whose work was validated at the ministerial level, supported by a permanent secretariat. The recommendation formulated at the meeting of the consultation mechanism, as mentioned in the periodic report, sought to address a problem of coordination between the defence and security forces regarding the prevention and punishment of migrant smuggling and trafficking in persons. While combating those problems had formerly been the exclusive preserve of the police, a decision had been taken to establish a specialized unit involving other defence and security forces, notably the National Gendarmerie and the National Guard, who had greater presence in remote locations and came into contact with traffickers more frequently.

44. Regarding refoulement from Algeria, he wished to add that such measures were taken unilaterally by the Algerian authorities, without consulting the authorities of the Niger, and concerned migrants of all nationalities. Vulnerable migrants who were taken to Point Zéro were attended to by the authorities of the Niger and partner organizations.

45. The Smuggling of Migrants Act had been unpopular since its enactment in 2015, particularly among the residents of Agadez, a city in the north of the country that was a hub for migrants heading towards Algeria and Libya. Civil society had criticized the Act and called for its repeal from the moment of its adoption. Following the coup d'état of 26 July 2023, the new Government had decided to accede to the wishes of civil society and repeal the Act. The repeal had had no negative consequences, since the Act had not succeeded in reducing the vulnerability of migrants but had made them more likely to fall victim to trafficking. Smugglers had begun to use more dangerous alternative routes and the prices they charged had risen significantly: where migrants had previously expected to pay 100,000 CFA francs to be smuggled into Libya, the price was now up to 500,000 CFA francs. In addition, there had been reports of migrants being held prisoner in Libya while smugglers attempted to extort money from their families; if their families did not pay, they would be turned over to traffickers. Criticism of the repeal of the Act was therefore unjustified.

46. **A representative of the Niger** said that in April 2024, the Government had issued an order on the establishment, composition, mission and functioning of the interministerial and technical committees responsible for the repatriation of nationals of the State Party who found themselves in difficulties abroad. The interministerial committee, composed of various ministers and chaired by the Prime Minister, was responsible for organizing the return and reception of repatriated migrants and transport to their place of origin. The technical committee provided assistance for repatriation operations; conducted research, analysis and follow-up on repatriations; and issued recommendations. It was composed of directors from relevant line ministries and was chaired by the Minister for Humanitarian Action and Disaster Management.

47. The repatriation process commenced when the embassy or diplomatic mission of a given country informed the Prime Minister's Office of a situation in which citizens of the Niger were in distress. The Prime Minister would then refer the matter to the Minister for Humanitarian Action and Disaster Management, who would convene the technical committee, which would study the information provided by the diplomatic mission. A small number of committee members would then travel to the country to assist the diplomatic mission in organizing the repatriation of the individuals concerned. Repatriation operations had been carried out in Benin, Chad, Côte d'Ivoire, Senegal and Togo. Depending on the distance involved, returning nationals would be transported by bus or air, with the State covering the cost.

The meeting rose at 6 p.m.