



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Information received from the Niger on follow-up to the  
concluding observations on its combined third and fourth  
periodic reports\***

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\* The present document is being issued without formal editing.



## I. Introduction

1. On 13 July 2017, the Niger submitted its combined third and fourth periodic reports on the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. The delegation was led by the Minister for the Advancement of Women and the Protection of Children.
2. Following constructive dialogue, the Committee on the Elimination of Discrimination against Women issued its concluding observations, which contained a list of 51 recommendations and observations, of which three were identified as priority recommendations, to be the subject of an interim report prior to the submission of the next national report due in July 2021.
3. The Niger was requested to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (a), 23 (a) and (d), and 29 (b) of the concluding observations.
4. The three priority recommendations relate to:
  - the elimination of all stereotypes and practices that are harmful to women, including child marriage, early or forced marriage, female genital mutilation and the practice of *wahaya*
  - sexual and gender-based violence against women, including statutory and marital rape, and the provision of shelters for victims
  - the elimination of gender disparities in education, in particular girls' access to education and the re-entry into school of young mothers
5. The interministerial committee responsible for drafting reports for submission to the treaty bodies and under the universal periodic review procedure has prepared the present report in response to the Committee's request for an update on the priority recommendations.

## II. Status of implementation of each priority recommendation

### A. Stereotypes and harmful practices

#### **Recommendation contained in paragraph 21 (a)**

6. The practice of *wahaya*, which is a form of slavery, is criminalized under article 270.2 of the Criminal Code and article 10 of Ordinance No. 2010-086 of 16 December 2010 on combating trafficking in persons.
7. Under article 270.2 of the Criminal Code, the crime of slavery is defined as “the act of enslaving another person or inducing another person to forfeit his or her liberty or dignity, or that of a person dependent upon him or her, for the purpose of enslaving him or her”. It is punishable by 10 to 30 years' imprisonment and a fine of between 1 million and 5 million CFA francs. The same punishment applies when “a master or his accomplice has a sexual relationship with a woman considered to be a slave or with the wife of a man considered to be a slave, and when a master or his accomplice places a woman considered to be a slave at the disposal of another person so that the latter can have sexual relations with her. Being an accessory to, or attempting to commit, the offences set out above is punishable by the same penalty.”
8. Article 10 of Ordinance No. 2010-86 on combating trafficking in persons states that “the offence of trafficking in persons is the act of recruiting, transporting, transferring, harbouring or receiving persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power

or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Such exploitation includes, at a minimum, slavery or practices similar to slavery, servitude, the removal of organs, the exploitation of the prostitution of others and other forms of sexual exploitation, the exploitation of the begging of others and the exploitation of forced labour or services. Recruiting, transporting, transferring, harbouring or receiving a minor under the age of 18 for the purpose of exploitation shall be considered trafficking in persons even if it does not involve any of the means listed above. Anyone who intentionally commits the offence of trafficking in persons is liable to a sentence of 5 to 10 years' imprisonment and a fine of 500,000 to 5,000,000 CFA francs."

9. Statistics compiled by the Ministry of Justice for 2016 show that article 270.1–270.4 of the Criminal Code, relating to slavery, and article 10 of Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons have been applied by the courts of the Niger. A total of 24 individuals were punished for committing acts of trafficking or practices similar to slavery, on the basis of charges filed by anti-slavery organizations and victims. Some 30 victims received assistance from the National Agency for Legal and Judicial Aid.

10. To give one example, the Assize Court of Birni N'Konni, in judgment No. 20 of 26 May 2014, sentenced a 63-year-old man to four years' imprisonment and fined him 250,000 CFA francs for the crime of slavery. The defendant, Mr. Elhadj Djadi R, was also ordered to pay the complainant, the non-governmental organization Timidria, the sum of 500,000 CFA francs in damages. The defendant had forced a woman named Ms. Ramatou Garba, who he claimed to have bought for the modest sum of 200,000 CFA francs (approximately \$400), to become his fifth wife (*wahaya*). In 2010, he was reported by Timidria, an organization committed to combating slavery in the Niger, and arrested for slavery. This judgment proves the determination of the courts and the authorities of the Niger to deter slavery-like practices by imposing exemplary punishments.

11. With regard to the prohibition of forced labour, article 337 of the Labour Code states that "anyone who violates the provisions of article 4 concerning the prohibition of forced or compulsory labour is liable to a fine of 500,000 to 2 million CFA francs or a sentence of two to five years' imprisonment, or both".

12. The term "forced or compulsory labour" means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily.

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

### **Recommendation contained in paragraph 23 (a)**

13. The Criminal Code was revised in 2003 to incorporate a new definition of rape as "any act of sexual penetration of any nature committed against another person by means of violence, coercion, threat or surprise". There is nothing in the wording of this definition that is legally contrary to the criminalization of marital rape, but in practice customary and religious perceptions of marriage make it almost inconceivable that one spouse might file a complaint of marital rape against the other.

14. The sexual abuse of minors is covered by several articles of the Criminal Code, including indecent assault (article 278),<sup>1</sup> procurement and corruption of minors (articles 291, 292 and 293), statutory rape (articles 255 to 258), indecent acts against a minor of the same sex (article 282)<sup>2</sup> and sexual harassment (article 281.1).<sup>3</sup>

15. A number of measures have been taken to combat gender-based violence, including:

- The adoption in 2017 of a national strategy for preventing and responding to gender-based violence and a corresponding five-year action plan covering the period 2017–2021, with the aim of reducing the prevalence of gender-based violence in the Niger from 28.4 per cent to 15.4 per cent by 2021.
- The launch, with the support of the European Union, of a new initiative called the Spotlight Initiative, which is intended to eliminate all violence against women and girls in the Niger, with a special focus on sexual and gender-based violence, including harmful practices that affect sexual and reproductive health.
- The adoption in 2019 of a zero-tolerance policy on sexual harassment by the National Police and Continuing Education Academy.
- The adoption, as part of the humanitarian programme under way in the Diffa region, of a manual of standard operating procedures for preventing and responding to gender-based violence that was developed in 2017. In 2018, 341 incidents of gender-based violence were reported and logged, of which 29 per cent related to the denial of resources, opportunities and services, 16 per cent to sexual violence, 27 per cent to physical assault, 5 per cent to forced marriage and 23 per cent to psychological violence.
- Continued efforts to ensure the effective implementation of the law on female genital mutilation, the introduction of measures aimed at eradicating the practice of early and forced marriage, including setting the minimum age for marriage at 18 for both sexes, and various other steps, including revising the Civil Code.
- Continued harmonized awareness-raising activities and implementation of community action plans through sermons delivered by religious leaders on the harmful effects of female genital mutilation and through the efforts of traditional leaders to encourage communities to renounce and move away from child marriage.
- The continued holding of community dialogues, with a focus on intergenerational exchanges, in order to promote behavioural change among men, women and girls and encourage victims to refuse marriage.
- The development of a national strategic plan to end child marriage in the Niger covering the period 2019–2021.
- The continued implementation of the “Illimin zaman douniya” initiative, with the support of the United Nations Population Fund, which is intended to reduce

<sup>1</sup> Art. 278: Anyone who commits or attempts to commit indecent assault without the use of force against a child of either sex under the age of 13 shall be sentenced to between 2 and 10 years’ imprisonment and fined 20,000 to 200,000 CFA francs.

<sup>2</sup> Art. 282: Anyone who commits an indecent or unnatural act with a person of the same sex who is under the age of 21 shall be sentenced to between six months’ and three years’ imprisonment and fined 10,000 to 100,000 CFA francs.

<sup>3</sup> Art. 281.1: The act of harassing another person by using orders, threats or coercion in order to obtain sexual favours is punishable by imprisonment for three to six months and a fine of 10,000 to 100,000 CFA francs. If the harassment is carried out by a person who is abusing the authority conferred on them by their position, he or she shall be liable to between three months’ and one year’s imprisonment and a fine of 20,000 to 200,000 CFA francs.

the rates of forced child marriage and early pregnancy among the most vulnerable groups of women.

- The obligation, for any programme or project financed by the World Bank, to include a mechanism for addressing gender-based violence.

**Recommendation contained in paragraph 23 (d)**

16. In September 2017, as part of efforts to support victims of gender-based violence, the Spotlight Initiative was officially launched by the Prime Minister, in the presence of traditional chiefs and leaders, religious leaders, civil society organizations and associations of women and young people.

17. Violence against women and girls is one of the most widespread, persistent and devastating human rights violations. Such violence is a major obstacle to the fulfilment of the rights of women and girls and to the achievement of the Sustainable Development Goals set by the United Nations. The objective of the Spotlight Initiative is to eliminate all forms of violence against women and girls by 2030.

18. The Niger is one of eight African countries benefiting from the Spotlight Initiative, which is intended to help the Government to eliminate all forms of violence against women and girls, with a particular focus on sexual violence and practices that negatively affect the sexual and reproductive health of women and girls. The Spotlight Initiative also aims to promote and protect the rights of women and girls through a multisectoral approach covering education, justice and health.

19. In the Niger, the European Union is contributing \$17 million for the implementation of the first phase of the Spotlight Initiative in 300 villages, located in the four priority regions of Maradi, Tahoua, Tillabéri and Zinder. Through the activities of the United Nations and the Ministry for the Advancement of Women and the Protection of Children, the aim is to achieve the following key results by 2022:

- Strengthen the legal framework to ensure that gender-based violence and harmful practices are adequately addressed
- Strengthen the institutions responsible for planning and budgeting to ensure that gender-based violence is taken into account
- Improve prevention and promote social norms that encourage people to stop perpetrating gender-based violence and harmful practices
- Introduce victim-centred support services
- Collect and disseminate data on trends in order to measure the effectiveness of various activities
- Strengthen the women's movements and civil society organizations campaigning against gender-based violence and harmful practices

20. In addition, several new holistic support centres for victims are being established, including one in Tillabéri, which has been operational since 2019, one in Zinder, the construction of which is complete and which will soon be operational, and one each in Maradi and Tahoua, which are currently under construction.

21. The non-governmental organization Femmes et Enfants Victimes de Violences Familiales, which already has shelters in each region, has begun building a large centre in Niamey called the Maison de l'Espoir, which will take in and provide decent temporary accommodation for male and female survivors of all forms of gender-based violence.

22. In an effort to encourage girls to go to school and reduce the prevalence of early marriage, the support centres, in addition to providing medical and psychological

care, also hand out food parcels, conduct human rights education sessions and provide vocational training. The same initiative is also being implemented in rural areas, in the three departments of Torodi, Say and Téra.

23. The national strategy for preventing and responding to gender-based violence is based on the following strategic pillars:

- Pillar 1: Communication/prevention of gender-based violence
- Pillar 2: Institutional and legal framework
- Pillar 3: Support for survivors/capacity-building
- Pillar 4: Resource mobilization
- Pillar 5: Coordination, monitoring/evaluation, studies and research

24. The Government has also developed a national strategic plan for ending child marriage, the four pillars of which are:

- (a) Empowering girls with information, skills and support networks;
- (b) Helping parents and community members to identify better options;
- (c) Improving the accessibility and quality of education, protection and other social services for girls;
- (d) Creating new platforms for social dialogue.

25. Another strong measure taken to combat child marriage is the adoption of Decree No. 2019-379/PRN/MPF/PE of 19 July 2019, on the establishment, powers, organization, composition and functioning of children's committees at the national, regional, departmental, communal, village and tribal levels.

26. The objective of the local committees is to encourage communities to move away from child marriage and address the consequences of child marriage for victims; to facilitate access to free legal and judicial aid for girls in child marriages; and to facilitate access to free health services for girls who are victims of violence, abuse and exploitation, including child marriage.

## C. Education

### Recommendation contained in paragraph 29 (b)

27. For the Niger, ensuring that girls have access to education and are protected is a central concern of the education system. Various decisions and circulars have been issued to ensure that girls not only start school but also stay on until they have completed their studies. Such decisions and circulars include:

(a) Decision No. 415/MEN/DEST of 17 November 1987, amending Decision No. 065/MEN/DEST/EX of 10 July 1978, which authorizes child mothers to resume their studies after they give birth. The new article 1 of the decision provides that "girls enrolled in grade 3 or in upper secondary school may, in the event of a first pregnancy, resume their studies after they give birth, provided that they are not married. They may also attend boarding school, provided that their children are not with them. In the event of a second pregnancy, girls shall be definitively excluded from school";

(b) Circular No. 219/PCMS/DEST/DIRCAB of 20 September 1984, concerning penalties for civil servants who have intimate relations with schoolgirls;

(c) Circular No. 230 /PCMS/DIRCAB of 19 November 1984, on the protection of minors. In order to protect young girls at school, the circular provides that "with regard to teaching staff, any person who commits statutory rape shall

be: (1) subject to immediate dismissal; (2) required to reimburse the schooling costs incurred by the State for the entire duration of the pupil's education; and (3) where appropriate, required to recognize the child and enter into marriage with the victim. In the event of refusal to comply with the above, the civil servant shall be prosecuted by the Public Prosecutor's Office before the competent authorities and criminal and civil penalties shall be imposed, with no consideration for mitigating circumstances of any kind";

(d) Circular No. 026/MEN/DEST of 11 December 1990, on pregnancy and marriage of pupils enrolled in grades 6 to 12;

(e) Joint Decree No. 000335MEP/A/PLN/EC/MES/MEP/T of 22 August 2019, amending and supplementing Decree No. 000025 of 4 February 2019, on measures to protect, support and care for girls during their education. The new article 8 of the decree states that "girls who are in education and who become pregnant or get married may continue with their studies. However, the period of leave taken after the birth may not exceed 40 days, except in case of force majeure, to enable the girl in question to successfully complete the school year. Catch-up classes shall be provided if necessary. If the educational institution attended by the girl is a boarding school, she will not be able to return to school with her child. However, she is entitled to financial or material support from the State and its partners; such support shall be provided to the parents or to the person responsible for looking after the child while the girl attends school. Disciplinary measures shall be taken against any school principal or teacher who refuses to allow a girl to re-enter school after she gives birth. These disciplinary measures, as well as the procedure for their implementation, shall be defined and specified in a joint circular to be issued by the three relevant ministries responsible for education."

28. The implementation of the "Illimin" initiative for teenagers has helped many girls to return to school, as shown in the table below:

| <i>Academic cycle</i> | <i>Age group</i>          |                           | <i>Total</i> |
|-----------------------|---------------------------|---------------------------|--------------|
|                       | <i>10 to 14 years old</i> | <i>15 to 19 years old</i> |              |
| 2013/14               | 33                        | 0                         | 33           |
| 2014/15               | 14                        | 8                         | 22           |
| 2015/16               | 25                        | 0                         | 25           |
| 2016/17               | 349                       | 100                       | 449          |
| 2017/18               | 8                         | 11                        | 19           |
| 2018/19               | 0                         | 113                       | 113          |
| <b>Total</b>          | <b>429</b>                | <b>232</b>                | <b>661</b>   |

*Source:* MPF/PE.

29. In an effort to reduce school dropout rates due to pregnancy, a number of subjects have been added to the secondary school curriculum, including life and earth sciences, which covers such topics as reproductive health, home economics and household management.

30. Issues relating to human rights are addressed at the primary school level in civic and ethics education classes. At the secondary school level, they are taught through subjects such as history and geography, and some schools are trialling specific modules on human rights.