



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

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

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**Responses to the list of issues and questions with regard to  
the consideration of the initial and second periodic reports  
of Niger**



## **Republic of the Niger**

### **Ministry for the Advancement of Women and Protection of Children**

#### **Responses to the list of issues and questions with regard to the consideration of the combined initial and second periodic reports of the Niger**

[Original: French]

### **General**

#### **Question 2**

The combined initial and second periodic reports of the Niger were prepared on the basis of two studies commissioned by the Ministry for the Advancement of Women and Protection of Children in 2000 and 2005, respectively.

The studies were carried out by national consultants, who employed the following methodology:

- Verification of existing data held by the Ministry responsible for the advancement of women;
- Gathering of supplementary data on the basis of documentary research and interviews with Government officials, directors of programmes on gender issues and the advancement of women from bilateral and multilateral institutions, heads of non-governmental organizations (NGOs) and associations, and those responsible for projects and framework programmes.

The reports were further developed during national validation workshops, which were attended by technical staff from central and local government. The workshops made it possible to assess the progress made on the ground.

The workshops were attended by the following 95 participants:

- Focal points from the 24 line ministries and State corporations and entities (30);
- Representatives of the Office of the President of the Republic, the Office of the President of the National Assembly, the Office of the Prime Minister and the National Commission for Human Rights and Fundamental Freedoms (4);
- Representatives of United Nations system organizations (8);
- Representatives of bilateral and multilateral cooperation partners: Swiss cooperation initiative, Belgian cooperation initiative, Danish cooperation initiative, French cooperation initiative, European Union cooperation initiative (5);
- Representatives of NGOs and national and international associations (Care International, SNV, Oxfam Quebec, the Coordination of NGOs and Women's Associations of the Niger (CONGAFEN), Kassaï, the Private Assistance Group (GAP), the Network of Women Heads of Enterprises (REFCEN), the Association of Women Shopkeepers and Traders of the Niger (AFCEN), the Association of Women Lawyers (AFJN), the Network for Law Integration and Dissemination in Rural Areas (RIDD FITILA), the Niger Women's Association

(AFN), GAYA, the Rassemblement démocratique des femmes du Niger (RDFN), the Committee of the Niger on Harmful Traditional Practices (CONIPRAT), DIMOL, ANNOURI, the Human Rights Association of the Niger (ANDDH), the Family Well-Being Association of the Niger (ANBEF), Support for Social and Economic Activities of Rural Women (ASEFER), the Campaign to Combat Violence against Women (LUCOVFEN), AGAZAOUA, the Association of African Women Communications Professionals (APAC), Union pour la promotion de la femme nigérienne (UPFN), Bunkassa GED, Biyan Bukata, Association des femmes de l'Afrique de l'Ouest — Niger (AFAO Niger), SOS — Femmes et enfants victimes de violences, REFED (28);

- Representatives of women's sections of four trade unions (4);
- The general secretaries of prefectures and regional directors for the advancement of women (16).

The workshops were also attended by representatives of the Ministry for the Advancement of Women and Protection of Children.

The two reports were then adopted by the Council of Ministers.

### **Question 3**

With a view to withdrawing our reservations to the Convention, the following specific measures have been taken:

- Three studies have been carried out:
  - A comparative study on the reservations and the provisions of the Constitution;
  - A study on discriminatory practices affecting women working in the public and private sectors;
  - A study involving the compilation of all laws that are contrary to the Convention with a view to their harmonization.
- A strategy and action plan (2004-2007) for the implementation of the Convention in the Niger, including an awareness-raising programme and training and advocacy activities intended for various target groups, have been drawn up;
- Arguments have been developed from the Islamic and legal perspectives for the withdrawal of the reservations to the Convention;
- The reservation withdrawal process has been initiated by means of the adoption by the National Assembly in June 2006 of the Reproductive Health Act.

During the period between the ratification of the Convention and the submission of the combined initial and second periodic reports, society in the Niger has evolved significantly. The positive change in mentality inspired by the large-scale awareness-raising campaign resulted in the unconditional ratification of the Optional Protocol to the Convention in 2004.

## **Articles 1 and 2**

### **Question 4**

On 29 August 1999, the Minister for Justice and Human Rights established a committee responsible for drawing up an inventory of laws that discriminate against women. Those laws were compiled for purposes of the study mentioned in the response to question 3 above.

Subsequently, a national commission responsible for the reform in the criminal, civil and commercial legislation was established in October 1999 within the Ministry of Justice and Human Rights. The commission's mandate is to harmonize national legislation with the treaties and conventions ratified by the Niger, including the Convention on the Elimination of All Forms of Discrimination against Women.

The following results have been achieved:

- Revision of the Penal Code, the Code of Criminal Procedure and Act No. 62-11 of 16 March 1962 (the Courts Act);
- Development of a draft law on marriage and divorce in the Niger, with the support of UPFM, in 2006.

As you are aware, the process of drafting a family code, which began in 1975, has not yet been completed owing to sociocultural obstacles to the advancement of women's legal status.

Accordingly, my Ministry has taken the following steps:

- A symposium on the topic of "The future direction of family law in the Niger" was held in November 2005;
- A regional conference on gender, female leadership and women's rights was held in December 2005 in order to establish best practices for strengthening the legal status of women in the Niger;
- Strategic alliances have been sought with a view to the adoption of a code on personal status.

Furthermore, the Ministry has negotiated and obtained financing from the African Development Bank for a project entitled "Strengthening gender equity". The three-year project was launched in October 2006. Its objectives include the development and adoption, in 2008, of a code on personal status. To that end, awareness-raising and social mobilization activities on the issue of the family code will be developed and geared towards various pressure groups.

### **Question 5**

In accordance with article 132 of the Constitution of the Niger, "upon their publication, treaties and agreements which are properly ratified shall have an authority superior to that of laws, subject to their application by the other party".

It has therefore been established that the Convention on the Elimination of All Forms of Discrimination against Women takes precedence over domestic legislation, save those provisions to which the Government of the Niger has submitted reservations.

Nevertheless, the Convention may be invoked before the courts in the context of an interlocutory motion. Litigants believing that they have been discriminated against as a result of the application of a legislative or regulatory text may, by demonstrating that the text in question is incompatible with the Convention, obtain a ruling that exempts them from the scope of that text.

To date, there have been no recorded cases of the Convention being invoked before the courts.

### **Question 6**

Article 148 of the Labour Code (Order No. 96-039 of 29 June 1996 promulgating the Labour Code of the Republic of the Niger) stipulates: "Employers shall be obliged to ensure that employees, regardless of their origin, gender or race, receive equal pay for the same or equal work". There is no discrimination in this area.

Decree No. 60-S/MFP/T regulating the remuneration and benefits of government officials provides that, unless they are heads of household, women must file an appeal with the courts to obtain family allowances.

In light of that situation, the Government has taken steps to repeal provisions that discriminate against female civil servants by revising the General Civil Service Regulations of the Niger; the revised version should be adopted in 2007.

Once the new General Regulations are adopted, the aforementioned Decree will be amended in order to repeal its discriminatory provisions.

### **Question 7**

It is simple: women who are discriminated against on the basis of their gender are the victims of violations of ordinary law. Women in such situations can lodge various types of appeals, depending on the situation at hand:

- If the discrimination has occurred in the context of an individual administrative decision, women may:
  1. Approach the perpetrator of the action with a view to obtaining a discretionary remedy consisting of the withdrawal or repeal of the act in question;
  2. Approach the hierarchical superior of the perpetrator with a view to obtaining a hierarchical remedy;
  3. Approach the Administrative Chamber of the Supreme Court with a view to obtaining a judicial remedy consisting of the annulment of the decision at issue. This remedy is also referred to as proceedings to quash an administrative act for illegality.
- In all other circumstances, appeals may be lodged with the courts, with due regard to their territorial jurisdiction.

In addition to those legal remedies, cases may be settled out of court by the National Commission for Human Rights and Fundamental Freedoms. Moreover, customary or religious bodies, NGOs, associations and third parties may engage in mediation.

When all domestic remedies have been exhausted, the international justice system is introducing an increasing number of mechanisms through which individuals can bring complaints before regional and international courts (such as the African Court on Human and Peoples' Rights or the International Criminal Court). It is also possible to bring complaints before bodies such as yours, the Committee on the Elimination of Discrimination against Women, since the Niger has ratified the Optional Protocol to the Convention.

Owing to the complicated procedures involved and people's lack of awareness of their rights on account of high illiteracy rates, appeals are rare, and the courts do not keep gender-disaggregated statistics on them.

### **Article 3**

#### **Question 8**

The national policy for the advancement of women was adopted in September 1996. It represents the State's willingness to translate its national, regional and international commitments concerning women and development into specific and coherent actions. The policy is based on five principles:

- Respect for the rights of women and recognition of their status as citizens and stakeholders in the process of nation-building;
- Elimination of discrimination against women;
- Gender equality;
- Equal opportunities;
- Protection of women and children and enhancement of their role and status within the family unit.

The policy, which is being implemented at the national level, is a long-term and continuously evolving undertaking. It addresses social, economic, political, legal and cultural issues and has a multisectoral focus.

The policy has 13 main objectives, namely:

- To ensure that the advancement of women becomes a reality;
- To develop and increase information relating to women's issues;
- To ensure respect for rights and citizenship in the context of a democratic system;
- To introduce an appropriate institutional framework for the implementation of the national policy for the advancement of women;
- To improve conditions for women's participation in economic and social activities;
- To improve the status of women and girls;
- To facilitate women's access to means and factors of production;
- To organize product distribution networks;
- To promote maternal and child health;

- To promote women's access to credit;
- To improve educational and training opportunities;
- To improve working and employment conditions for women and girls;
- To eliminate practices based on the notion that women are inferior.

The following specific measures have been taken within the framework of the national policy:

*At the institutional level:*

- The Ministry for the Advancement of Women and Protection of Children has been established;
- The National Institute for Monitoring the Advancement of Women (ONPF) and a number of similar institutes at the regional, subregional and community levels have been set up;
- Several women's NGOs and associations have been created.

*At the legislative level:*

- The Constitution, adopted on 9 July 1999, enshrines the principle of the equality of all citizens before the law, and prohibits all gender-based discrimination;
- The Niger acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1999 and to its Optional Protocol in 2004;
- In 1999, the Nationality Code of the Niger was amended in order to allow women to transmit, on an equal footing with men, their nationality to their children;
- In 2003, provisions outlawing violence against women were incorporated into the revised version of the Penal Code;
- In 2004, a national strategy for the implementation of the Convention and a related plan of action were drawn up;
- The initial and second periodic reports of the Niger on the implementation of the Convention were drafted in 2000 and 2005, respectively;
- The Council of Ministers recently adopted the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, and transmitted it to the National Assembly for adoption.

*In the education sector:*

- A ten-year educational development plan (PDDE), a priority of which is the enrolment of girls, has been adopted and implemented;
- A department for the enrolment of girls has been established;
- A large-scale literacy programme for women has been implemented.

*In the health sector:*

- Free breast and uterine cancer screening; free medical treatment for issues relating to Caesarean births and fibroid removal;

- A reproductive health programme and STI and HIV/AIDS prevention activities have been introduced;
- The Expanded Programme on Immunization and anti-malaria programmes have been relaunched;
- In May 2006, the National Assembly adopted the Reproductive Health Act.

*At the economic level:*

- The establishment of structures for granting credit to women;
- Support for women's empowerment groups through the Special Programme of the President of the Republic;
- The establishment of a comprehensive capacity-building programme for businesswomen;
- The establishment of networks;
- The organization of cascade training for women in entrepreneurship and on techniques for the management of income-generating activities;
- The organization of an agro-silvicultural-pastoral fair and the International Exhibition of Women's Handicrafts (SAFEM), which has become an institution and has a woman director.

*At the political level:*

- The adoption and effective implementation of the law on quotas;
- The preparation and implementation of a women's leadership training programme;
- The establishment of committees and contact points in the different ministerial departments, State-owned and para-public companies.

Impediments to effective implementation of the national policy for the advancement of women include, inter alia:

- Sociocultural impediments;
- The existence of three sources of law (Islamic, customary and modern), which further complicates women's social status;
- An excessive amount of domestic work (16 hours a day on average);
- Lack of self-esteem;
- Lack of solidarity among women;
- Poverty;
- Illiteracy.

Remedial measures undertaken include:

- The implementation of a comprehensive training, sensitization and advocacy programme with a view to creating an enabling environment for the achievement of gender equity and equality;
- The preparation of a national gender policy in 2006, which was adopted in 2007.

**Question 9**

Concrete actions undertaken and results obtained by:

- *National Institute for Monitoring the Advancement of Women (ONPF)*

To date, ONPF has:

- Set up eight regional institutes (ORPF) and 36 departmental institutes (OSRPF) for monitoring the advancement of women;
- Prepared two annual reports on the status of the advancement of women, which have been submitted to the Prime Minister;
- Organized four conferences.

- *Committee to follow up the implementation of the Beijing recommendations*

Since its establishment on 28 December 1998, this Committee has prepared two assessment reports on the implementation of the Beijing Platform for Action. It should be noted that the coordination, monitoring and assessment of actions undertaken for the advancement of women at all levels was transferred to ONPF when the latter was created.

- *Advisers on Gender and Development to the President of the Republic and the Prime Minister*

These two experts are mainly responsible for advising and submitting proposals to the President of the Republic and the Prime Minister on gender issues. Thus far, they have focused primarily on the economic advancement of rural women:

- The gender adviser to the President of the Republic is responsible for increasing women's access to credit, as outlined in the Special Programme of the President of the Republic. To date, 200,000 women from 4,500 women's groups have benefited from this support.
- The gender adviser to the Prime Minister is responsible for establishing the Women's Bank of the Niger, which will provide local financing for women's economic activities. A multisectoral committee was set up in June 2005 for this purpose.

- *Committee of the Niger on Harmful Traditional Practices (CONIPRAT)*

The Committee of the Niger on Harmful Traditional Practices (CONIPRAT) was established in 1990 for the purpose of eliminating harmful traditional practices and promoting beneficial ones. It has prepared a comprehensive awareness-raising programme on female genital mutilation and harmful traditional practices, which is being implemented throughout the country. Target groups include the general public, opinion leaders, health workers, traditional chiefs, traditional health practitioners and young students.

The main results obtained by the Committee are as follows:

- The taboo on female genital mutilation has been broken and the topic is now debated publicly;
- Women who perform excisions speak openly about the practice and are willing to be retrained;
- Laws against female genital mutilation have been adopted;
- 218 “monitoring squads” have been set up in villages where former practitioners reside. The squads, which are comprised of the village chief, one young woman and one young man, act as “field personnel” for NGOs. Their role is to continue raising awareness at the local level and to identify new practitioners.
- To date, approximately 100 female practitioners have given up the practice in favour of income-generating activities.

The incidence of female genital mutilation in the Niger has dropped as a result of these activities. According to the 1998 Population and Health Survey of Niger (EDSN), the rate of incidence in 1998 was 5 per cent. The 2006 MISCIH survey revealed that the rate of incidence fell to 2.2 per cent in 2006, which represents a reduction of 50 per cent.

#### **Article 4**

##### **Question 10**

Since its accession to the Convention on the Elimination of All Forms of Discrimination against Women, the Niger has implemented the following measures in the field of education:

- the establishment of a department for the enrolment of girls, within the Ministry of Basic Education and Literacy, in July 2000;
- the implementation of the Ten-Year Educational Development Plan (PDDE), which is aimed, inter alia, at increasing the enrolment of girls, and has led to a reduction in gender and regional disparity with respect to access to education and drop out rates;
- the establishment of regional and departmental services to promote the enrolment of girls in school;
- the mobilization and empowerment of local communities with a view to increasing their participation in school management, through the community school management committees (COGES), the Association of Mother Educators (AME), NGOs and associations.

The above-mentioned measures have improved access to education and lowered drop out rates.

With respect to secondary education, Education Project 1, which is sponsored by the African Development Fund, provides support for families who take in junior-high or middle-school-level girl students enrolled in the Colléges d’Enseignement Général, in an attempt to improve their living and working conditions.

In accordance with the Special Programme of the President of the Republic, rural schools are being built throughout the country to spare children from having to travel far from their communities and to provide better protection for girls, in particular.

The impact of these measures over the last six years is demonstrated by the following statistics:

**Trends in gross admission rates, gross enrolment rates, completion rates and proportion of girls enrolled in primary school from 2000-2001 to 2005-2006**

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Gross admission rate	47	58	60	65	63	67
Gross enrolment rate	29.6	33.3	36.5	40.4	43	44
Completion rate	18	20	20	25	28	31
Proportion of girls	39.56	39.81	40.14	40.30	40.80	41

The statistics show that, over the last six years, the gross admission rate rose by 20 per cent and the gross enrolment rate by 13.4 per cent. The proportion of girls increased by 1.4 per cent.

The data also show a decrease in early marriages and greater equality of access to education and learning. Investing in girls' and women's education is also regarded as a way to boost their individual and social well-being. A goal of all development initiatives, it leads to:

- greater agricultural productivity, higher family incomes and reduced poverty;
- increased use of family planning and improved family nutrition;
- a stronger culture of citizenship by providing women with the knowledge they need to participate in political life and demand their rights.

## **Article 5**

### **Question 11**

The following measures have been taken by the Government to change customary beliefs and practices that discriminate against women:

- provisions in the Constitution which enshrine the principle of equality and prohibit discrimination on the basis of sex;
- the implementation of awareness-raising and advocacy measures to help create an environment conducive to gender equity and equality. These measures include:
  - the preparation and dissemination of a brochure on gender equity in Islam;
  - the organization of awareness caravans that criss-cross the country every year;
  - radio and television programmes and skits.

**Question 12**

The main forms of violence against women are:

- domestic violence, which includes both physical violence and psychological violence such as repudiation, insults, humiliation, defamation, threats and confinement;
- other forms of violence against women such as:
  - forced and early marriage;
  - sexual harassment;
  - rape;
  - procuring;
  - slavery;
  - genital mutilation.

With respect to statistics on rape, police reports are not always reliable. The only rape statistics collected by the Niamey Court of Appeal are as follows:

	2002	2003	2004	2005	2006
Number of rapes	16	12	37	25	25

**Question 13**

At present, the Niger does not have a comprehensive strategy to combat all forms of violence against women. However, government bodies and civil society organizations have collaborated on the development of a number of strategic actions, including:

- the establishment of a framework for consultation among actors involved in combating violence and discrimination against women and children (2005);
- the organization of several joint field missions by government officials and civil society organizations;
- the preparation of a study on repudiation (2001) and a study on domestic violence (2006);
- the revision of the Penal Code in 2004 to include provisions against violations of human rights and fundamental freedoms, including female genital mutilation and slavery;
- the preparation of a draft law regulating marriage and divorce and initiation of procedures for adopting it (2006);
- the revision of the poverty reduction strategy paper to include a strategic focus on the fight against violence and discrimination against vulnerable groups;
- the implementation, beginning in 2000, of awareness-raising and training activities for the judicial police (police officers and gendarmes), judges, opinion leaders, health workers, women who perform excisions, teachers in Koranic schools, schoolteachers, schoolchildren, deputies to the National Assembly, Government officials, local leaders, NGO members, women's associations and the general public.

## Article 6

### Question 14

According to a 2002 study conducted by the national NGO Timidria and Anti-Slavery International in London, the number of “slaves” in the Niger at that time totalled more than 870,000. The study does not contain gender-disaggregated statistics.

This and many subsequent studies aroused so much Government concern that the practice of slavery was characterized as a punishable offence. In 2003, the new Penal Code was amended to include a new section with five articles (270-1 to 270-5) pertaining to the practice of slavery.

Another stride in Government efforts to curb slavery was the establishment, by Decree No. 0933/MFP/T of 4 August 2006, of a national commission on the elimination of forced labour and discrimination within the Ministry of Labour and the Modernization of the Civil Service.

### Question 15

The National Statistics Institute does not have statistics on the number of young girls and women engaged in prostitution. Nevertheless, pimping and incitement to debauchery are punishable offences under articles 291 to 294 of the Penal Code. Pimps are thus defined as persons who:

- knowingly aid, abet or protect the prostitution of others or soliciting for the purpose of prostitution;
- share the proceeds of the prostitution of others or receive money from another person who engages regularly in prostitution;
- knowingly live with a person who engages regularly in prostitution;
- are unable to account for the resources needed to maintain their lifestyle while being closely associated with one or more persons who engage in prostitution;
- hire, train or employ another person for the purpose of prostitution or for traffic in prostitution and debauchery, even if that other person consents thereto and has reached his or her majority;
- act as an intermediary in any capacity whatsoever between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others;
- hinder prevention initiatives by qualified organizations on their efforts to monitor, assist or rehabilitate persons engaged in prostitution or in danger of becoming prostitutes through threats, pressure or manoeuvres or any other means.

There is a morality squad within the National Police Service for combating prostitution. Awareness campaigns have been launched and credit for income-generating activities has been provided by the Government, NGOs and associations within the overall framework of the reintegration of vulnerable groups, including women.

**Question 16**

Concerning the law and measures to prevent and punish trafficking in women and girls in the Niger, the following should be noted:

- the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2003;
- the drafting of a child protection code with a view to reforming the national legal system to bring it into conformity with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in 2004;
- the signature by the Niger in Côte d’Ivoire of the Agreement on Multilateral Cooperation to Combat Trafficking in Children in July 2005;
- the drafting of a preliminary bill on combating trafficking in children in 2006;
- the training of security forces (gendarmes, the Republican Guard, police, forestry and water works officers, religious and traditional leaders and local officials) on trafficking in women and children;
- the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- the establishment in February 2006 of an interministerial committee responsible for drafting a national action plan to combat trafficking in women and children.

**Articles 7 and 8****Question 17**

National instruments (the Constitution of 9 August 1999 and the Electoral Code as amended in 2004) contain egalitarian provisions with respect to the exercise by men and women of the Niger of their voting rights. Women are at the forefront of political campaigns as both voters and candidates.

Nevertheless, in practice, the exercise of the right to vote by women is restricted by social and cultural constraints.

Confronted with this situation, the Government of the Niger has taken specific steps to enable women to fully enjoy their constitutional rights in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, to which the Niger became a party in 1999. They include:

- the adoption of Act No. 2000-008 following the accession of the Niger to the Convention and its implementing order of 7 June 2000 instituting a gender quota system for elective office (10 per cent) and appointed office (25 per cent);
- the drafting and implementation of a programme to promote women’s leadership in the run-up to the 2004 elections through the following measures:
  - the drafting of a reference manual for women’s leadership training;

- the establishment of women leadership training units in the eight regions of the country;
- cascade training of rural and urban women in women’s leadership;
- the training of political party leaders, opinion-makers, members of women’s associations and NGOs and the public at large on the quota law;
- the production and broadcasting of radio announcements to raise awareness among the population on women’s political participation, decentralization and the quota law to promote women candidates and a massive turnout of women in municipal elections;
- The production of posters on the Convention.

### **Question 18**

The enforcement of the quota law has allowed for a clear improvement in women’s representation in decision-making bodies at the level of elective as well as appointed posts. These advances are reflected by the following results:

- the appointment of women to lead the highest national institutions, the presidency of the Supreme Court and of the Supreme Council on Communication;
- the presence of women who are serving on an equal footing with men in the Economic, Social and Cultural Council, the High Council on Territorial Communities, the High Court of Justice, the Constitutional Court and the National Commission for Human Rights and Fundamental Freedoms;
- the appointment of six women ambassadors and one consul to represent our country abroad, six women ministers, including of Foreign Affairs, Cooperation and African Integration; Privatization and Public Business Restructuring; Urbanism, Housing and Public Property; and Public Works and Employment; as well as two social portfolios, Advancement of Women and Protection of Children and Population and Social Development;
- the appointment of women to the post of Secretary-General of the Prime Minister’s office, to the Ministry of Basic Education and Ministry of Public Health, to the post of Gender Adviser to the President of the Republic and to the Cabinet of the Prime Minister.

Also worth noting is the presence of women company general managers, business leaders, artisans, entrepreneurs, teachers, researchers, doctors in charge of medical offices, judges and in every established body (the Army, Gendarmerie, Police and Customs, Water Works and Forestry Services), in short, in every sector.

With respect to elective posts, women’s representation was sizable following the 2004 legislative and municipal elections, with 14 women in Parliament out of 113 parliamentary posts, or a 12 per cent share, versus only one woman in the previous elections, and 671 women out of 3,747 municipal advisers, or 17 per cent. One woman is a member of the Bureau of the National Assembly.

To build on the gains made and enable elected women officials to fulfil their role completely and to improve the representation of women in decision-making bodies, a capacity-building programme for elected women officials and members of women’s groups was drafted by the Ministry for the Advancement of Women and Child Protection in 2004 and is currently being implemented.

**Article 9****Question 19**

The positive law on the nationality of the Niger does not give women of the Niger who marry foreigners the option to transmit their nationality to their spouse.

On the other hand, under article 13 of Order No. 84-33 of 23 August 1984 on the Code of Nationality of the Niger, “foreign women who marry a national of the Niger may opt for nationality of the Niger within one year by filing an application with the civil court of the place where the marriage was performed or before consular authorities of the Niger when the marriage was performed abroad”.

**Article 10****Question 20****Gross enrolment rate by gender and by rural/urban area between 2000 and 2006 (Primary school)**

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Overall	37	42	45	50	52	54
Boys	45	50	54	60	62	63
Girls	30	33	37	40	43	44
Urban	51	52	53	54	57	57
Rural	32	38	43	48	51	52

Source: Ministry of Basic Education and Literacy, 2006.

**Completion rates by gender and by rural/urban area between 2000 and 2006 (Primary education)**

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Overall	24	26	25	32	36	40
Girls	18	20	20	25	28	31
Boys	29	31	30	40	44	49
Rural	17	20	18	28	33	
Urban	38	38	40	42	42	

Source: Ministry of Basic Education and Literacy, 2006.

**N.B.: These percentages refer to the school-age population. For example, in 2000-2001, 51 per cent of urban school-age children and 32 per cent of rural school-age children were enrolled.**

By the 1980s (states of emergency), administrative texts were drafted and enforced to punish parents who did not comply with the obligation to enrol their children, particularly girls.

Parents who marry their daughters while they are still enrolled in school must reimburse the State for the entire cost of their education.

**Question 21**

The Technical Unit for the Promotion of School Enrolment was established in 1996 as part of the sectoral basic education project (PROSEF) to specifically address the problem of school enrolment for girls. In 1996 the enrolment rate in primary school (gross rate of admission) was 21.2 per cent for girls versus 32.3 per cent for boys. For the same year the gross enrolment rate for girls was 22.2 per cent versus 36.9 per cent for boys. After all the measures taken by the Technical Unit, which had been in operation for only four years, in 2000 the gross enrolment rate for girls was 30.8 per cent versus 45.3 per cent for boys.

Similarly, the gross enrolment rate for girls was 26.9 per cent versus 38.8 per cent for boys. It should be noted that there was substantial improvement in the reduction of gender disparity. All the interventions of the Technical Unit are eliminating the problems of disparity between boys and girls between urban and rural areas.

Measures continue to be taken within the framework of implementing the Ten-Year Educational Development Plan such as:

- the introduction of a gender approach in the curricula of teacher training colleges;
- the revision of curricula to eliminate gender stereotypes in school textbooks.

Similarly, among the measures envisaged by the Office for the Promotion of the Enrolment of Girls, some allow girls to stay in school and further complete their studies. In this respect, the following should be noted:

- the establishment of income-generating activities conducted by the mothers of students to bear the direct costs incurred and free girls from domestic work;
- the establishment of incentives for girl students (school supplies kits, awards of excellence and prizes for girls who succeed with distinction);
- the establishment of support for foster families to care for needy secondary school girl students to improve their living and working conditions;
- the establishment of educational assistance activities for students with learning difficulties (tutoring).

## Article 11

## Question 22: Distribution of semi-public- and private-sector employees by occupation between 2000 and 2005

Year	Occupation														Subtotal		Total	
	Apprentices		Labourers		Semi-skilled workers		Skilled workers		Office workers		Supervisors		Engineers and senior managers		M	W	men and women	Percentage of women
	M	W	M	W	M	W	M	W	M	W	M	W	M	W				
2000	443	16	4 852	142	5 295	604	5 449	513	4 852	2 080	4 040	693	1 431	140	<b>26 372</b>	<b>4 188</b>	<b>29 999</b>	13.96
2001	279	30	5 660	207	6 039	707	5 520	656	5 619	3 147	4 007	760	1 389	174	<b>28 513</b>	<b>5 651</b>	<b>34 140</b>	16.55
2002	362	57	6 017	328	5 479	821	6 178	816	5 575	5 007	3 863	797	1 459	203	<b>28 930</b>	<b>8 029</b>	<b>36 960</b>	21.72
2003	613	133	4 128	105	4 318	280	5 406	131	9 583	4 954	4 818	1 289	2 548	586	<b>31 414</b>	<b>7 345</b>	<b>38 910</b>	18.88
2004	447	117	4 720	778	5 747	811	4 529	570	11 041	5 818	3 916	1 048	1 791	367	<b>32 191</b>	<b>9 509</b>	<b>41 700</b>	22.80
2005	642	122	4 582	885	9 115	910	4 568	588	11 066	5 873	4 180	1 164	2 363	848	<b>36 516</b>	<b>10 390</b>	<b>46 906</b>	22.15
<b>Average over the six years</b>																	19.33	

National Agency for the Promotion of Employment/Niger

**Question 23**

With respect to women's participation in the informal sector of the economy, the most recent statistics available to the National Statistics Institute on the informal sector date back to 1995, when the last national survey on the informal sector was conducted.

**Distribution of businesses by urban/rural area according to sector and gender of the owners**

	<i>Production</i>		<i>Trade</i>		<i>Service</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Urban	7 534	28 214	22 783	14 129	20 524	4 739
Rural	61 329	180 365	156 488	41 749	116 318	13 763
<b>Total</b>	<b>68 863</b>	<b>208 579</b>	<b>179 271</b>	<b>55 878</b>	<b>136 842</b>	<b>18 502</b>

*Source:* Analysis report/National survey on the informal sector Niger 1995.

At the time, there were 667,935 informal establishments in the Niger, 57.81 per cent of which were owned by men and 42.19 per cent by women.

In recent years, however, there has been some progress in the participation of women in economic activities, particularly in the informal sector. This progress is coupled by an increasing number of women who want to make their activities more visible. These two factors have fostered the entry of women in branches of the informal sector which had to date been reserved for men.

**Question 24**

The poverty reduction strategy of the Niger, which incorporates the Millennium Development Goals, was adopted in 2002. It treats gender as a cross-cutting thematic issue, on an equal footing with decentralization, good governance, environmental protection and the fight against AIDS. This cross-cutting nature, however, did not figure sufficiently in the strategy. This is one reason why it was revised in 2006.

To take gender into account in the strategy, technical support from the United Nations system was provided through gender training and gender budgeting with respect to the members of the thematic commissions. The first draft of the revised strategy is being reviewed, and consultants have been recruited to ensure that gender is effectively taken into account in the final document.

In addition, my Ministry has initiated a certain number of actions, including:

- the drafting and implementation of a reference manual for gender training;
- the review of the sectoral policies of the key ministries: Health, Education, Secondary and Higher Education, Communication, Population and Social Development, Youth, National, Regional and Community Development, Justice, Advancement of Women and Protection of Children through an organizational and institutional gender analysis. The purpose of this exercise was to identify achievements and shortcomings with respect to gender

mainstreaming. As a result of this exercise, a strategic plan of action for gender mainstreaming was drafted for each of these ministries;

- the drafting of a national gender policy which will now constitute a blueprint for gender mainstreaming in all development measures and through medium-term expenditure frameworks.

## **Article 12**

### **Question 25**

In reality, female genital mutilation has been illegal since 2003, following the reform of the Penal Code. Act No. 2003-025 of 13 June 2003 therefore contains three articles (articles 231-1 to 3) which specify penalties against women who perform excisions and their accomplices (mothers, fathers and grandparents of the victims).

To combat and eliminate these harmful traditional practices, the Government organizes every year, in collaboration with NGOs specialized in this area, awareness caravans for various social groups during the International Day of Zero Tolerance of Female Genital Mutilation.

Given that legislation prohibiting harmful traditional practices is recent, there has not yet been any prosecution of the perpetrators of such offences. This can be explained by the fact that the practitioners easily accept the conversion or surrender of their knives as a result of the community awareness-raising campaigns being conducted.

### **Question 26**

The seroprevalence rate is estimated at .87 per cent among the population between 15 and 49 years of age. The seroprevalence rate is estimated at 1.4 per cent among teachers, 1.7 per cent among truck drivers, 2.8 per cent among prisoners, 3.8 per cent among the military and 25.4 per cent among sex workers. Today, it is estimated that between 22,000 and 57,000 persons are infected by HIV. Concerning persons suffering from AIDS, nearly 7,000 cases to date have been reported to the health services, but given the poor health coverage, this probably represents only the tip of the iceberg.

In 2006, anti-retroviral treatment was administered to 673 women (provisional data).

Also in 2006, 32 children were monitored, 36 received anti-retroviral treatment and a total of 68 children were infected.

### **Question 27**

To promote maternal and child health, family planning, a reduction in the maternal, infant and child mortality rate, and a healthy diet and sound nutrition, a number of activities have been undertaken at all levels, including:

- the adoption and implementation of Decree No. 2005-316/PRN/MSP/LCE of 11 November 2005 providing free medical care at public health establishments for women who give birth by caesarean section;

- the adoption and implementation of Order No. 65/MSP/LCE of 7 April 2006 providing for free distribution of contraceptives and condoms at public health establishments;
- the adoption and implementation of Order No. 0079/MSP/LCE of 26 April 2006 on free prenatal care and care of children under five years of age, and of Act No. 2006-16 of 21 June 2006 on reproductive health:
- free distribution of mosquito nets soaked in insecticide to women and children;
- strengthening of the Expanded Programme on Immunization (EPI) by stepping up immunization campaigns coupled with food distribution;
- upgrading of operating rooms in district hospitals;
- surgery training for district physicians;
- training of health workers in, inter alia, Comprehensive Treatment of Childhood Diseases (PCIME), Complaint-Treatment Strategies (SPT) and Emergency Obstetrical and Neo-Natal Care;
- strengthening of awareness-raising activities.

It should also be noted that the nutritional needs of 325,000 children who had been affected by the 2005 food crisis in Niger were addressed through broad partnership efforts once the crisis was over.

All these efforts had encouraging results, including the reduction of infant and child mortality from 274 per cent in 1998 to 198 per cent in 2006 and a drop in the maternal mortality rate from 671 out of 100,000 live births in 1992 to 561 out of 100,000 live births in 2006 (source: 2006 MICS survey).

Family Planning is still not an established practice in every part of the country. The rate of married Nigerian women who use a modern method of contraception has fluctuated from 8 per cent in 1988 to 4.4 per cent in 1998 and 5 per cent in 2005. The rate of contraceptive use is now 8 per cent and is expected to rise to 18 per cent by 2015, even though 95.1 per cent of men and 80.4 per cent of women have used at least one form of contraception.

### **Question 28**

A number of measures have been taken in the area of reproductive health by the Ministry of Public Health and the Control of Endemic Diseases and its partners and have had a definite impact, including:

- the adoption of the Reproductive Health Act in June 2006;
- greater attention to reproductive health in the health development plan;
- a reproductive health programme that is more focused on priority national needs (mobile clinics in the nomad region, emergency obstetrical care, risk-free motherhood, decentralization of interventions ...);
- implementation and better utilization of reproductive health norms and procedures (training of service providers, distribution of manuals, supervisory training ...);

- better integration of the supplementary reproductive health packet in the Minimum Health services Activities Packet;
- treatment of obstetrical fistulas;
- considerable increase in the reproductive health services available at health centres;
- better understanding of the concept and approach of reproductive health by the various target groups: young parliamentarians ...;
- better understanding of and attention to sexual and reproductive health of youth and adolescents through the establishment of “youth-friendly” health centres.

### **Article 13**

#### **Question 29**

Government recognition of the prominent role played by women is a driving force in the explosion of activities by this very vital marginalized group.

As a result of women’s increased presence in economic activities and their key role in maintaining a balanced economy, the Government is attempting to improve their situation.

Such Government efforts include the establishment of a number of public and para-public institutions for the advancement of women and the promotion of women’s economic activities, namely, through such support and training structures as the Ministry for the Advancement of Women and the Protection of Children (MPF/PE), the Women Entrepreneurs Support Unit (CAEF), the Chamber of Commerce, Agriculture, Industry and Crafts (CCAIAN), *Entreprendre au Niger* (Doing Business in the Niger) (EAN), ONPF, *Mutuelle d’Epargne et de Crédit des Femmes* (Women’s Savings and Loan Cooperative) (MECREF) and other savings and loan cooperatives and *Banque Régionale de Solidarité* (BRS) Niger Tanyo. Female entrepreneurs have a much greater awareness of their role and are determined to rise to the challenge of working in an increasingly competitive world with dynamism, commitment and skill; many of them are now executives in modern enterprises in all sectors of activity.

To this end, the Women Entrepreneurs Support Unit (CAEF) was established in 2000 for the purpose of promoting female entrepreneurship and helping businesswomen to improve the profitability, viability and durability of their companies through loans (training, advisory services in management and organization, help in coming up with business ideas, the establishment, consolidation and monitoring of companies, access to reference centres and to the Internet), study missions and awareness-raising.

From 2000 to 2005, CAEF hosted more than 20,000 women at its headquarters and trained nearly 3,000 women throughout the national territory.

## Article 14

### Question 30

In the Niger, the improvement of rural women's living conditions is a priority of the authorities of the Fifth Republic, under Mr. Tanjda Mamadou, President of the Republic.

Thus, in 2001, with the resources that became available as a result of debt cancellation for Heavily Indebted Poor Countries, he launched a Special Anti-Poverty Campaign in the rural area, mainly for women and youth. This initiative includes:

With regard to social issues:

- Initiatives to ease the domestic burden of more than 2 million rural women by installing essential infrastructure nearby, such as the water points: 600 wells in village and fields, 25 drilling operations in fields, 137 reservoirs, 150 mini-dams, the rehabilitation of 423 village drilling operations, 400 hand pumps and the installation of 200 mills and 300 automatic pumps;
- the introduction of fireplaces and coal by the Société Nigérienne de Charbon (SONICHAR).

With regard to education:

- the construction of 2,000 classrooms, which brought an increase in the school enrolment rate.

Thus, the rate rose to 52.4 per cent in 2004-2005, compared to 37.3 per cent in 2000-2001, representing an increase of 15.1 per cent (MEBA 2005).

The percentage of girls in school went up from 29.6 per cent in 2000-2001 to 42.8 per cent in 2004-2005, for an increase of 13.2 per cent (MEBA 2005). School enrolment of boys rose from 45 per cent in 2000-2001 to 61.9 per cent in 2004-2005, representing an increase of 6.9 per cent (MEBA 2005).

- a broad literary programme for women has been launched.

With regard to health:

A number of measures have been taken to reduce maternal mortality, including:

- the construction of 2,000 local health units and the training of 2,000 community health workers;
- free screenings for breast and uterine cancer;
- free medical care for women who give birth by caesarean section, and for fibroid removal;
- the implementation of the Reproductive Health Programme:
  - activities for the prevention of HIV/AIDS/sexually transmitted infections (STI);
  - resumption of the Expanded Programme on Immunization and of the Anti-malaria Programme;

- the adoption of the Reproductive Health Act in 2006;
- the establishment of 160 Type I integrated health centres and Type II integrated health centres, 600 community health clinics, 7 women’s and children’s health centres, a new maternity clinic in addition to those already existing;
- the training of 253 public health experts (currently taking place).

With regard to economic activity:

Support from the programme has made possible:

- the granting of more than 1.8 billion CFA francs in loans to 4,500 women’s groups comprised of more than 200,000 women. The revolving loan programme is being carried out all over the country;
- Operation Dairy Cow designed to increase women’s income and improve the family diet. In all, 2,000 cows have been purchased and given to 1,675 women on credit, representing 495 million CFA francs. Twenty-five male cows have been placed in certain groups;
- the electrification of 260 villages and surrounding areas, in addition to those already benefiting from it, at a cost of 37.3 billion CFA francs. Electrical facilities are being installed in another 50 villages.

Niger is now in the process of establishing a women’s bank, known as Banque Sarraounia, with a view to setting up a mechanism for financing income-generating activities for women and establishing a network to promote female leadership.

In the area of environmental management, 30,000 youths are employed and paid for recovering land. This has reduced the rural exodus, increased the arable land and protected ponds, rivers and lakes. In 2007, the number of young employees will go up to 60,000.

Along those same lines, my Ministry launched and carried out a number of measures to improve the economic activities of women, including the project entitled “Higher Incomes for Women in the Dosso region (ARMFD) which is part of the Multisectoral Programme for the Dosso region (PMD).

The purpose of the Dosso Project is to enhance the socio-economic status of Dosso women by increasing their financial resources, in particular by alleviating their tasks, providing access to financial resources and empowering them to a greater degree.

The Ministry for the Advancement of Women and Protection of Children has launched a process for extending such interventions to other parts of the country.

With regard to political life:

The achievements of the 2004 municipal and legislative elections led to:

- the election of 671 municipal councilwomen who are currently involved in running the communes;
- the election of 14 female deputies, compared to only one previously, who are involved in the functioning of our Parliament.

My Ministry is currently working with civil society organizations to develop strategies for ensuring that even more women are victorious in the 2008 and 2009 municipal and legislative elections.

## **Article 15**

### **Question 31**

It should be stressed that Act No. 62-11 of 16 March 1962 (the Courts Act) was amended in 2004 by Act No. 2004-50 of 22 July 2004 establishing the court system in the Republic of the Niger.

Moreover, article 51 of the former Act, which states that “subject to compliance with the legislative provisions or fundamental rules concerning public order or personal freedom, the courts shall apply the customary rules” has been superseded, in the most recent Act, by article 62, which provides that “subject to compliance with duly ratified international conventions, the legislative provisions or fundamental rules concerning public order or personal freedom, the courts shall apply the customary rules:

‘in cases involving the capacity of the parties to enter into contracts and institute legal proceedings, personal status, family, marriage, divorce, filiations, succession, donations and wills...’.”

The new article introduces a fundamental innovation in that, to be applicable, customs must not only be consistent with the laws and public order but also with the duly ratified conventions.

No custom can interfere with article 130 of the Commercial Code, providing a legislative guarantee that a married woman does not need authorization to go into business.

Actually, there is no contradiction between article 130 of the Commercial Code and article 51 of Act No. 62-11 of 16 March 1962, and there is certainly none with article 563 of Act No. 2004-50 of 22 July 2004 abrogating article 51.

## **Article 16**

### **Question 32**

Measures taken to reduce the practice of early marriage in the Niger include:

- the establishment of an inter-ministerial committee to lead the debate on the issue of early marriage in the Niger;
- the holding of a national forum on early marriage in January 2002;
- the elaboration of the Plan of Action for the Survival, Protection and Development of the Child 2002-2010;
- the elaboration of a draft Code of Protection of the Child in 2004;
- the elaboration and implementation of the Ten-Year Educational Development Plan 2003-2013;
- the elaboration of National Plans of Action on Education for All (PAN/EPT) to put into practice the guidelines formulated at the Dakar Forum;

- the elaboration of a draft Act on amending the marriageable age and the regulations on repudiation;
  - Awareness-raising sessions on early marriage and the enrolment of girls in school.
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