

Women's rights protection instruments ratified by Niger:

- **CEDAW**: ratified in 1999 with reservations to articles 2(d) and (f); 5(a); 15(4); 16(1)(c)(e) and (g)
- **CEDAW Protocol**: ratified in 2004
- **Maputo Protocol**: signed in 2004

Ratify! Although Niger ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) more than 10 years ago, it has done so with numerous reservations which leave it devoid of meaning. Furthermore, Niger has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

Respect! The Coalition of the Campaign remains particularly concerned by: the overlapping of different sources of law creating legal uncertainty; the absence of legislation governing marriage and divorce; harmful traditional practices such as early and forced marriage and female genital mutilation; trafficking in women and girls; and limited access for women to education and employment.

/ Some positive developments...

The Coalition of the Campaign acknowledges some recent positive developments concerning women's rights in Niger:

- The adoption in June 2006 of the Reproductive Health Act, the aim of which is to improve access to reproductive and sexual healthcare and services although it prohibits voluntary termination of pregnancy when continuation of the pregnancy puts at risk the life the mother, or in the case of risk of severe disorder for the unborn child.
- The 2000 law on quotas for women in political life, increasing the percentage of women in parliament from 1.2% (1 woman out of 83 deputies) to 12.3% (14 women out of 113 deputies) between the 1999 and the 2004 elections. However, these percentages remain very low and percentage of women in the government and the administration remain below the minimum set by law (only 6 women are ministers out of 27 members of the government, i.e. 23.07%).
- The adoption in 2008 of the Ministry for the Promotion of Women and Child Protection in order to combat discrimination against women.

/ But discrimination and violence persist

IN LAW

Legal uncertainty is particularly detrimental to women's rights and is the result of the multiple sources of law recognised by the Constitution of Niger: statutory law, customary law and religious (Islamic) law. No judicial decision has been published since 1996.

Many discriminatory laws persist in Niger, including:

In family matters: A family code has been in preparation since 1976. Despite amendments made to the act regulating certain aspects of personal and family law according to customary rules (Act No. 62-11), several discriminatory acts and customary practices remain, in particular with regards to divorce, child custody and inheritance. Polygamy is authorised. Repudiation is also authorised but there are currently proposals to enact legislation to prohibit it.

Nationality Law does not allow a Niger woman to transmit her nationality to her foreign husband.

The **General Status of the Civil Service** (Statut Général de la Fonction Publique) prevents women from having access to certain institutions.

IN PRACTICE

• Violence

Since the legal age for marriage is not defined, early and forced marriages are very widespread.

“A 15-year-old girl in her second year at secondary school was removed by force from school and married to a rich businessman. To convince the girl’s parents, the suitor made a promise to let the girl live with her sisters until she was 17. But two weeks after the wedding, the businessman went to get the girl and raped her before taking her back to her parents”.

Case documented by the ANDDH

Female Genital Mutilation (FGM) is punished by a fine and a jail sentence, and it is estimated that between 1998 and 2006 its practice on girls aged 15 to 49 was reduced by 50% (5% to 2.2%). However, ethnic and regional disparities remain which are detrimental to the Tillabéri, the urban community of Niamey and Diffa, in the western part of Niger, where 66% of women are victims of these practices.

The practice of slavery, which affected almost 870,000 persons in 2002, was criminalised in 2003 but remains widespread.

On 27 October 2008, the Court of Justice of the Economic Community of West African States (ECOWAS) issued a ruling holding the Republic of Niger “responsible for the inaction” of its administrative and judicial services in the case of *Adidjatou Mani Koraou*. Dealing for the first time with a case of slavery, the court considered that the Niger judges had not fulfilled their duty of protection of the victim. The victim had been sold as a fifth wife at the age of 12 years for 240,000 francs CFA (366 Euros). This historic ruling opened the way for these practices that are not sufficiently resisted by the authorities to be contested in law.

A more recent phenomenon, the “Hadj credit”, according to which Niger women are sent to Saudi Arabia to pay the costs of pilgrimage (Hadj) is particularly troubling.

Hadizatou was sold as a slave to a man who abused her and fathered several children with her, while forcing her to work for him in the fields without any remuneration.

Cases documented by the NGO Dimol

• Obstacles to access to education and employment

Victims are forced to drop-out of school due to early marriage and domestic work. In 2005, the rate of literacy for women was 15.1% compared with 42.9% for men. Despite legislation in favour of gender equality in employment, the proportion of women in the public sector and formal private sector jobs remains very low. For example, in 2005, women accounted for only 22.15% of civil servants, compared with 81.65% of men.

The Coalition of the Campaign calls on the authorities of Niger to:

- **Reform all discriminatory laws**, in conformity with CEDAW including the Family Code, the Law on Nationality and the General Status of the Civil Service.
- **Harmonise statutory law, customary law and religious law with the provisions of the CEDAW.**
- **To take all necessary measures to combat all forms of violence against women**, including public awareness campaigns; training programmes for representatives of the State, members of the judiciary, and health care and social workers; measures aimed at providing victims with legal, medical and psychosocial support; as well as legal proceedings and punishing those who commit acts of violence against women.
- **To intensify efforts to combat the trafficking, forced labour and sexual exploitation of women and girls**, including the adoption of specific legislation, legal proceedings and the punishment of offenders and adoption of measures to rehabilitation and social reintegration measures for victims.
- **To take all the necessary measures to guarantee the access of girls and women to education and work**, including a guarantee of compulsory, free schooling up to the age of 15 years; measures to encourage girls to enrol for higher education; eliminating stereotypes in the roles of women and men in study programmes and school manuals; measures to encourage literacy among women, particularly in rural areas; adopting a quota mechanism, if necessary, to encourage the access of women to work in all sectors.
- **To take all the necessary measures to improve the access of women, particularly rural women, to health care**, including improving the access of women to family planning, and in particular the use of condoms to prevent early pregnancies, clandestine abortions and the spread of HIV; sex education for girls and boys with emphasis on the prevention of early pregnancies; and the legalisation of abortion for non-medical reasons.
- **To take measures to ensure the access of women to justice**, including simplification of texts in order to make them more accessible and comprehensible to the whole population, particularly in rural areas, setting up centres to provide legal aid, as well as financial aid to allow victims of violence and discrimination to seek justice.
- **Withdraw all the reservations to the CEDAW and accelerate the ratification process of the Maputo Protocol.**
- **Implement all recommendations issued by the CEDAW Committee** in May 2007, which has not received feedback until now.

• Obstacles to access to justice

Due to lack of information on their rights and the laws that protect them, as well as the costs of proceedings; women have a limited access to justice, worsened by the lack of training of the police and the judicial personnel. In addition, Islamic texts are often interpreted to the detriment of women's rights.

PRINCIPAL SOURCES

- Focal Points: ANDDH, Dimol, CONGAFEN
- List of concerns submitted by FIDH and ANDDH to the CEDAW Committee, 2007, www.fidh.org
- Recommendations of the CEDAW Committee, June 2007
- Timidria NGO
- OIF, genre.francophonie.org
- UNDP, www.undp.org
- Inter-Parliamentary Union, www.ipu.org
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Niger, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN NIGER



Association nigérienne pour la défense des droits de l'Homme (ANDDH)

ANDDH is a human rights NGO founded in 1991. Its mission is to promote basic freedoms and democracy in Niger. Its actions on women's right include: advocacy workshops, training on the Maputo Protocol, awareness raising campaigns and legal assistance.

www.anddh-niger.org

“Dimol”, Santé de la reproduction pour une maternité sans risques

The NGO “Dimol” was founded in February 1998, its mission being to help to reduce risk factors associated with maternity by prevention, early treatment of cases and social reintegration. Its activities include: advocacy targeting religious and political leaders, training for parliamentarians and campaigns on the Maputo Protocol and the Optional Protocol to CEDAW.

www.dimol.c.la

Coordination of NGOs and Niger Women's Associations (CONGAFEN)

CONGAFEN, established in 1995, coordinates the actions of NGOs and associations working to promote women's rights in Niger. The role of CONGAFEN is to reinforce collaboration between NGOs and women's associations; to increase the organizational and institutional capacities of its members; and to act as an intermediary between the State and partner organizations.

www.congafen.africa-web.org