

**Country session: Niger CRC - OPSC**  
**Date of session: 24<sup>th</sup> and 25<sup>th</sup> September 2018**

**Background information**

[OHCHR press release](#)

**Webcast:** [First part](#) and [second part](#)

**Audio file:**

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	17 Oct 2001
<a href="#">Updated document</a>	20 Nov 2008
Annexes	-

CRC		OPSC	
No. of report	3 <sup>rd</sup> to 5 <sup>th</sup>	No. of report	1 <sup>st</sup>
Due date	31 October 2012	Due date	26 Nov 2006
Submission	26 August 2017	Submission	13 Aug 2015

<a href="#">Written replies</a> CRC	
Submission	<u>26<sup>th</sup> July 2018</u>
Due date	<u>15<sup>th</sup> June 2018</u>
<a href="#">Written replies</a> OPSC	
Due date	<u>15<sup>th</sup> June 2018</u>
Submission	<u>26<sup>th</sup> July 2018</u>

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Global Detention Project</li> <li>• Réseaux international des droits humains</li> <li>• ECPAT International</li> <li>• Anti Slavery International Timidria</li> </ul>
<b>NHRIs</b>	CONIDE



## State delegation

The delegation was headed by El Back Zeinabou Tari Bako, Minister for the Advancement of Women and Child Protection of Niger, supported by representatives of this Ministry, of Inter-Ministerial Committee in charge of drafting reports to treaty bodies and Universal Periodic Review, Directorate for the Juvenile Judiciary Protection and Social Action, National Assembly, and the Permanent Mission of Niger to the United Nations Office at Geneva.

## Committee's Task Force members

Name & Last Name	Country
Suzanne Aho Assouma (CRC)	Togo
Bernard Gastaud (CRC, OPSC)	Monaco
Hynd Ayoubi Idrissi (OPSC)	Morocco

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was constructive and interactive, following an in depth and technical discussion with the Committee and the delegation.

### ii. General assessment made by the Committee

The Committee acknowledged the challenges that the country faced, such as climate change and terrorism and how they affected children's right. Child marriage, child slavery, particularly through "wahaya", as well as the high infant mortality rate, have been important concerns during the dialogues. On OPSC the legal gap and Committee urged to fill the legal gaps. In conclusion, the Committee asked urgently to increment the budget for health and education and to address issues of child marriage and birth registration.

### iii. Main issues discussed:

- **General measures of implementation and definition of the child:** the Committee wondered if the State would adopt the Children's Code and raised its concern over the vague definition of the child in the law. Moreover, it highlighted the low budget allocated for children policies. The delegation answered that to the Children's Act of 2014 contained the definition of the child and provided that a child was a human being under the age of 18.
- **Right to be heard:** The Committee questioned the accessibility of parliament for all children and inquired whether the National Youth Council was taken seriously in to account by the authorities. The delegation said that it was open to all children and their proposals taken into account by the authorities.
- **Non-discrimination:** The discrimination based on social status and location were raised by the Committee and it questioned which practical measures the government putted in place to improve the status of ethnic communities and to implement the anti-discrimination law. The delegation said that under the Constitution, all people in Niger were equal and there were no indigenous peoples as defined by the United Nations and that there were no marginalized population: Tuaregs and Arabs were represented at all level.
- **Child slavery:** Even if child slavery was prohibited, the Committee raised its concern over the practices called "wahaya", the fifth wife, under which women and girls were held in domestic and sexual servitude and asked the number of girls and how children were rehabilitate and whether perpetrators were punished. The delegation explained that under customary law, a man could have four wives, but some would take the fifth one without getting married and have all the rights over her. The delegation replied by saying that slavery was criminalized and the law provided for the protection of victims.

- **Corporal punishment and harmful practices:** The Committee welcomed the prohibition of corporal punishment in schools, however, it was worried about not in homes, closed institutions, and Koranic schools and questioned about the care for children victims of violence and the existence of hotlines. Moreover, it asked about the punishment of perpetrators of sexual violence against children and whether harmful traditional practices, as female genital mutilation in particular were eradicated. According to the delegation, corporal punishment was prohibited in public and Koranic schools alike, and explained that State officials were visiting the Koranic schools to raise awareness on the issue. On female genital mutilation the delegation answered that compared to other region, in Niger the rate was very low and the zero tolerance to female genital mutilation would be applied by 2020.
- **Juvenile Justice:** The lack of a proper juvenile system and specialized unit in the judicial system dedicated to children was a great area of concern. It also asked about death penalty in case of minor and which measures were taken to diversify the trainings of the police and the judiciary, including by disseminating the provisions of the Convention. The delegation highlighted that the 2014 Juvenile Justice Act provided that minors could not be tried by a criminal court, and that the detention of juveniles was an exception. Moreover, they said that judges received regular training in the implementation of the ratified international treaties in their rulings, and each region had a juvenile judge. Death penalty had not been applied since the 1970s
- **Children labour:** The Committee indicated that a large number of children under 14 years old were working, and domestic work was seen as “light work” and questioned if there were any labour inspectors. The delegation replied that work farm and domestic works was “light works” and that this helped children to socialize and not undermine the education of the children.
- **Early marriage:** The Committee was very worried about existing dual legal system, which one ( customary law) allowed child marriage, with a view that 90% of the population were married under the customary law. The delegation replied by saying that there was no age limit for marriage in customary law, while marriage was prohibited for minors in the civil code. The delegation said that Niger had made a commitment to the African Union to implement a plan of action to end child marriage and the National Strategic Plan to End Child Marriage had been signed in August 2018.
- **Health and environmental degradation:** The Committee was alarmed on the persisting levels of children mortality and of mother mortality related to malnutrition in marginalized areas. Moreover, it asked to explain the efforts to prevent environmental degradation, such as desertification and deforestation, and to develop sources of renewable energy. The delegation explained that the government had adopted the law ratifying the Paris Climate Agreement and in 2017, the amendment to the Kyoto Protocol.
- **Education:** The Committee raised the issue of access to education, in particular for girls and children from poor families; low school completion rates and high dropout figures. In addition, there was poor teacher training, schools were dilapidated, and pre-primary schooling only covered a small percentage of children in rural areas. The inclusive education was another issue raised by the Committee. The delegation replied by saying that for inclusive education, the delegation said that there were 15 integrated inclusive classes that bore in mind the needs of children with disabilities.

#### OPSC

- **General measures of implementation:** The Committee highlighted the lack of data and asked about the budget allocated to the implementation of the Protocol. The delegation said that they drafted an action plan based on care, prevention and child protection. The Committee also highlighted that the reservation on the CEDAW created serious situation of vulnerability, especially in the field of prostitution. On that issue, the delegation highlighted their willingness to remove it but also their difficulties to withdraw the reservation. The Committee also pointed out the various legal gaps regarding the criminalization of the offences under the OPSC: definitions provided by the Criminal Code were not sufficiently compliant with the Protocol. The delegation explained its difficulties in implementing its provisions, such as the lack of a law that sanctioned the specific offenses under the Protocol.
- **Awareness raising:** The Committee stressed the need for awareness campaign and on the need to a comprehensive and precise study on the exploitation of children in the country, including sexual exploitation,

in order to inform prevention. The delegation said that there was no official code of conduct in tourism and travel industries.

**Rights of victims and access to justice of victim:** The Committee welcomed the adoption of the national guidelines for care and support of child victims, and asked the delegation to provide information on measures taken. They replied by saying that special social workers dealt with children victims of sexual exploitation. Moreover, the Committee raised concern over the legal gaps, which made difficult for victims to access free legal assistance and the lack of assistance for victims. On extradition it also asked whether it was subject to double jeopardy rule and whether the OPSC was a basis for extradition. Niger intended, said the delegation, to draft specific extradition protocols, in line with the obligations under the Optional Protocol.

## Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of **urgent measures** concerning the following 6 areas:

- **Gender-based violence:** The Committee urges the State party to criminalize sexual violence against girls, including statutory and marital rape, by establishing a minimum age of sexual consent, and strengthen the protection of child victims and the prosecution and punishment of perpetrators, with no recourse to community mediation. Moreover, it urges to ensure that child victims are encouraged to report incidents of gender-based violence, including by providing capacity-building programmes for judges, prosecutors, police officers, law enforcement personnel, legal practitioners and traditional leaders on how to investigate such cases in a gender and child-sensitive manner. It also recommends ensuring that child victims have access to appropriate redress, including compensation; increase the number of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes, as well as legal assistance, to child victims of gender-based violence.
- **Health and health services:** The Committee recommends to the State party to prioritize measures to improve access to and the quality of health-care and nutrition services, including by allocating sufficient financial resources to the health sector and ensuring the availability of qualified health staff; to create more vaccination centres, ensure that all children in the State party are fully vaccinated, reduce disparities in vaccination coverage among regions and provide all centres with the necessary human resources, equipment and vaccines. It also recommends promoting, protect and support breastfeeding, increase the number of hospitals certified as Child Friendly and fully implement the International Code of Marketing of Breast-milk Substitutes and to continue to seek technical assistance from, among others, UNICEF and the WHO.
- **Education including vocational education:** The Committee recommends that the State party: take all necessary measures to improve accessibility of education for all, especially for girl children, by enforcing the 2017 Decree; to increase enrolment in schools by overcoming obstacles for out-of-school children and school dropout; to improve the quality of education by - inter alia - ensuring that teachers receive appropriate training, with particular emphasis on rural areas. It also commends to regulate and monitor Koranic schools and ensure that schools are free from sexual and other types of abuse of children and bring perpetrators to justice. Increase funding and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school. Finally, it urges to take concrete measures to deter the military use of schools, including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks, as per the commitment made in the Safe Schools Declaration.
- **Children in armed conflict:** The Committee recommends that the State party to improve its age determination methods, in particular for persons suspected of being involved in armed conflict; to treat children suspected of association with armed groups as children in need of protection and to release and reintegrate children held in the Goudamaria centre into society and provide them with all the necessary support.
- **Economic exploitation including child labour:** the Committee urges the State to enforce its laws and implement its plans of action prohibiting child labour and allocate sufficient resources for such purposes; to eradicate the practice of forced begging by talibé children and bring perpetrators to justice and enforce the

law with regard to domestic work by children. It also recommends strengthening labour inspectorates and monitoring mechanisms in the formal and informal sectors. It commends to continue to raise awareness on the negative consequences of child labour in cooperation with community leaders, families and the media and continue cooperation with ILO with a view to establishing programmes to move children out of the worst forms of child labor and strengthen vocational education programmes for drop outs.

- **Juvenile Justice:** Committee urges the State party to: ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings; promote non-judicial measures in the case of children accused of criminal offences, such as diversion, mediation, or community service and wherever possible, use alternative measures at sentencing. Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal. It also recommends that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services. It commends to accelerate the procedures with regard to children in pre-trial detention suspected of involvement with armed groups; improve coordination between the justice sector and social and other relevant services; Provide services for reintegration of children released from prisons; Provide up to date data on children in conflict with the law and children of detainees disaggregated by age, sex, socio-economic background, ethnic and national origin and geographic location.

#### OPSC:

- **Measures adopted to prevent offences prohibited under the Protocol:** The Committee urges the State party to establish mechanisms to identify and detect children at risk of falling victim to offences under the Optional Protocol, especially among children in slavery, including *Talibe children* and *Wahaya girls* (fifth wife), children in street situations, migrant, refugee and asylum seeking children, children in forced labour, orphan children, children born outside marriage, children separated from their families or unaccompanied children, as well as take targeted measures to prevent such offences. It also recommends that the State party train its law enforcement officials and adopt standard operating procedures to always regard victims or children at risk of becoming victims of offences under the Optional Protocol as victims or potential victims and not as offenders.
- **Child marriages:** The Committee urges the State party to end the practice of child marriages throughout the country, including by establishing a legal minimum age of marriage at 18 years to both girls and boys. It also urges the State party to eradicate the cases of sale of girls as *Wahaya*, including by prosecuting and imposing harsh sentences on those who are involved in selling and buying girls.
- **Sexual exploitation of children in travail and tourism:** The Committee urges the State party to conduct advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the UNWTO Global Code of Ethics for Tourism among travel agents and tourism agencies, and encourage these enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.
- **Extra territorial jurisdiction and extradition:** The Committee recommends that the State party take all the steps necessary to ensure that its domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol. The Committee also urges the State party to remove the requirement of double criminality for extradition in respect of offences covered by the Optional Protocol and to consider using the Optional Protocol as a legal basis for extradition in respect of such offences in cases where there is no bilateral extradition treaty with the other country concerned.

#### Sustainable Development Goals

- 1.3 on implementing nationally appropriate social protection systems and measures for all.
- 3.2 on ending preventable deaths on new-borns under age of 5
- 4 on ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 4.2 on early childhood development



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- 5.2 on eliminating violence against all women and girls, including sexual and other types of exploitation
- 8.7 on child labour
- 13.5 on promoting mechanisms for raising capacity for effective climate change-related planning and management
- 16.2 on ending, among other things, violence against children
- 16.9 on providing legal identity for all, including birth registration

### Next State report

CRC	
No. of report	6 <sup>th</sup> and 7 <sup>th</sup>
Due date	20 <sup>th</sup> Oct 2023

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.