

Universal Periodic Review

UNICEF Contribution

NIGER

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I. INTRODUCTION

1. The following report is the UNICEF contribution to the Universal Periodic Review. It is based, in all key points, on the findings of the situation analysis on women and children in Niger and the study on child poverty in Niger, both dated 2008. The two studies were carried out with technical and financial support from UNICEF, adopting human rights as their point of reference.

II. BACKGROUND INFORMATION

2. The population of Niger is estimated at 15 million inhabitants, 80% of which is resident in the rural areas. The population is extremely young, with 51% under the age of 15, and women representing 50.1%.
3. On the political front, in the aftermath of the 2010 military coup, the authorities put in place transitional institutions designed to drive the process for the restoration of democratic rule and the consecration of human rights.
4. On the social front, the country is faced with a level of poverty which affects 6 out of every 10 persons. As in 2005, Niger is at present also suffering the effects of a food crisis which aggravates the already precarious nutritional status of its children. The combination of poverty and the food crisis has triggered the displacement of the inhabitants of the affected areas, especially single women with dependent children, to the urban centres. In addition, the natural resources of the country have been depleted over the last 30 years as a result of the combined effects of population growth and climate change. This situation has increased the intensity of the country's recurrent food crises, and could in fact compromise the chances of survival of future generations.
5. Niger is signatory to most of the international treaties and conventions on human rights. In 1990 it ratified the Convention on the Rights of the Child (CRC), and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as well as ILO Conventions 138 and 182. In 1999 it signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), albeit with reservations on 5 of its articles, and ratified the Convention on the Rights of Persons with Disabilities in 2008.
6. The legal system in Niger is characterised by the coexistence of two sources of law, namely, modern law and customary Islamic law. Studies have revealed that in civil suits, people tend to resort to traditional law.

III. HUMAN RIGHTS PROMOTION AND PROTECTION

III.1. Equality and Non Discrimination

7. This fundamental right has been reaffirmed in all the different Constitutions of the country, and there is evidence of a gradual harmonisation of national legislation with the provisions of international conventions. In 2008, the Government adopted a national gender policy with the principal objective of mainstreaming measures to create a society which is fairer and more equitable toward women and children.
8. In reality, however, many discriminatory practices continue. These are mostly attributable to the influence of custom and tradition, with women and girls as their principal victims, particularly as pertains to access to education, employment and knowledge, and also in relation to age and marriage. Under the civil code, the

marriageable age for girls is 15 years, as against 18 for boys, although in practice, many girl children are withdrawn from school at a much younger age (12 – 14), and married off.

9. The disparity between the contribution of men and women to the country's economic development is manifest in the fact that more than half the number of potentially active women (53%) is economically inactive, while, in comparison, only 14% of men are similarly inactive. Women's potential is undermined by the lack of educational qualifications, illiteracy, the heavy burden of domestic work, and dependency as a personal life choice. They are denied opportunities for an economically productive life due to the rudimentary nature of means of production, limited access to land, savings and credit facilities, and modern energy sources.

III.2. The Right to Life, Survival and Food

10. Child mortality remains a major health problem. 1 in 5 children (198‰) dies before his/her 5th birthday. The main causes of death, besides malaria, are acute respiratory infection and diarrhoea.
11. The nutritional status of children under the age of five continues to raise serious concerns: two children in five suffer from chronic malnutrition, due to inadequate feeding and protracted illnesses, while one in ten dies from acute malnutrition.
12. There has been little improvement in the maternal mortality rate: for every 100,000 live births, 648 women die from pregnancy or childbirth-related conditions. These high numbers are mostly due to accidents during childbirth, but other causes include illness during pregnancy, post-delivery infections and anaemia. The high mortality and morbidity risk factor stems from unsatisfactory housing conditions, unhealthy surroundings, climatic conditions, limited access to healthcare, the high birth rate (fertility rate was 7.1 children in 2006), early motherhood (between the ages of 15 and 19, 54% of young girls in a relationship already have at least one child), as well as poorly ingrained practices with regard to disease prevention and recourse to healthcare facilities.
13. The nutritional status of women is equally unsatisfactory: one in five women suffers from a chronic lack of energy; nearly one in two is anaemic, while nearly one in ten suffers from vitamin A deficiency-induced twilight blindness. Pregnant women, women living in rural areas, the less educated and the poorest are the most vulnerable to these conditions.

III.3. The Right to a Healthy and Sustainable Environment

14. The living conditions of children and women are uncondusive to their wellbeing and good health. Most people live in thatched mud houses, and more than half the population lives in very overcrowded conditions. Proper sanitation is very rare. Half of the population still uses untreated water from wells and other high-risk sources, while waste disposal management is rudimentary.
15. Environmental degradation is manifested in receding forest land, soil erosion and impoverishment of cultivable land, as well as diminishing water resources. Climate change aggravates these trends. The deterioration of the environment has immediate repercussions on women's and children's health, by increasing the risk of potentially epidemic diseases. It undermines the sustainability of rural activities and the food security of households, threatening to become, in the long term, a factor for social upheaval and conflict.
16. A number of laws and decrees have been promulgated with a view to promoting sustainable development. However, enforcement is of limited effect due to insufficient resources and a lack of coordination at the national level.

III.4. The Right to Education

17. Some progress has been achieved in terms of access to the different levels of the educational system. However, the number of children registered in preschool in the urban areas, though on the increase, still accounts for only 2.5% of children in this age bracket; although the number of children in primary school has almost doubled since 1998, one in three children aged between 7 and 12 years does not attend school; whereas more children attend secondary school, nine in ten do not attain the first year of junior secondary, while fewer than 2% go on to senior secondary school.
18. Availability of educational facilities has nearly doubled as a result of the grand-scale schemes which have been realised, especially in the rural areas. Nonetheless, offer is still inadequate to meet the rising number of children. Demand for education is hampered by the lack of motivation on the part of parents who fail to see the use of a formal education when they need the input of their children's labour for their poverty-imposed survival strategies.
19. Although the number of girl children attending primary school has doubled in the last ten years, the gap between the number of girls and boys in school has increased in absolute terms, as the number of boy children has increased more rapidly. The disparity becomes more marked after primary school level (where girls represent 43% of pupils), with the result that by senior secondary school level they represent only 38%. Parity does not extend beyond preschool.
20. This imbalance in the number of girl children attending school is attributable to a number of factors, the most important of which is the reluctance of parents to send their girl children to school as a result of the social role imposed on them (early marriage, domestic work). In addition, the idea of school is often unattractive due to the distance of schools from the home, the unsuitability of school curricula, and the risk of violence.
21. Illiteracy among women militates strongly against their personal development. The proportion of women who are able to read and write simple sentences is in the region of 12% as compared to 28% for men.

III.5. The Right to Protection

22. In addition to the international and regional conventions on the protection of women and children from abuse, violence and exploitation, ratified by Niger, new provisions were introduced into the Niger Penal Code in 2003, abolishing female genital mutilation, slavery and sexual harassment, and giving a broader definition of rape.
23. This notwithstanding, women and children remain the victims of many forms of violence.
24. A national survey conducted in 2006, and adopting multiple indicators, yielded the following general information relating to this phenomenon. Only one in three children is registered at birth; more than half of the children aged between 5 and 14 years works; one third of children live separated from at least one of their biological parents; the girls in 39% of marriages are less than 15 years of age; the prevalence of female genital mutilation is 2.2%.
25. The factors detrimental to the wellbeing and protection of children include the poverty which forces on them the need to participate in the survival strategies of their families, and the society which valorises their labour as an instrument of socialisation; tradition, which condones practices such as early marriage or the phenomenon of talibé child beggars; legal oversights, the failure to impose sanctions and the absence of legal recourse, all combine to render the protection system dysfunctional; while facilities for the care of vulnerable and/or needy children are limited.
26. Due to the minimal nature of their participation within the family circle and within the community, children are in no position to resist any decision taken by their parents which affects their day-to-day existence. The poorer the family, the less opportunity given to the child to participate in decision-taking, and many families decide in favour

of making their children work in or outside the home. Consequently, the level of child labour rises with the poverty level. In 2006, it was observed that 59.8% of children in the poorest quintile worked, as against 42.5% in the wealthiest quintile.

27. Violence against women is multiform, and generally admitted to be widespread. In addition to physical, verbal and psychological violence, there is the violence linked to traditional beliefs and tolerated by society, despite its physical, moral and economic consequences for women and their children in terms of repudiation, confinement, forced marriages and discrimination in the right to inheritance.
28. Violence of this nature persists because it is anchored in social behaviours arising from the inferior status imposed on women, and the legitimisation of this state of affairs by tradition and erroneous interpretations of the principles of Islam. It also persists because certain forms of violence are accepted by the women themselves, because of their fear of divorce and their economic dependency, illiteracy and poverty. Violence is punishable by law, but the law is inadequate to the situation. There are no specific laws against communal violence. Customary law is predominant, and because women rarely have recourse to the paraphernalia of justice, and their cases are rarely heard by the courts, the perpetrators escape punishment, and the law of silence prevails.

IV. PROGRESS, BEST PRACTICES, DIFFICULTIES AND CONSTRAINTS

29. Progress has been made in a number of domains, although the challenges are enormous. As a result of the development and simplification of the legal system of Niger it is now possible to apply the provisions of the law more effectively. However, recourse to the formal legal system remains very limited, due to high legal costs and inaccessibility of the system to vulnerable members of the population.
30. Government also has taken substantial measures to increase the level of social protection of the most vulnerable social groups, including children. The authorities are currently engaged in the formulation of a social protection policy, further to the conduct of extensive consultations to define clear guidelines on responsibility for children in vulnerable situations or in difficulty.
31. Appreciable progress has also been made in the Public Service through the creation of squads in the Police Headquarters to deal with young offenders and victims of crime, creation of legal and preventive training services, and appointment of juvenile court Judges. Many non-Governmental organisations (NGOs) have offered assistance by taking charge of the welfare of some of the children. Civil society organisations, traditional and religious rulers have also undertaken to protect, respect and promote the rights of women and children. However, despite the mechanisms in place, lapses in the system and financial constraints prevent women and children from effectively enjoying the rights to which they are entitled.
32. On the sanitation front some progress has been made in extending the range of sanitation infrastructures, improving health care and disease prevention, especially through vaccination, prenatal care, care of nursing babies and the use of insecticide-treated mosquito nets. The policy of free health care for children under the age of 5 years which was introduced in 2006 has gradually increased recourse by the population to curative and preventive medical care.
33. In terms of nutrition, there has been a substantial improvement in the measures taken to combat malnutrition. These may be preventive, through the distribution of micronutrient supplements to children and pregnant women using health care delivery services and the conduct of public enlightenment campaigns. They could also be curative through the creation of facilities to identify malnourished children and take charge of their rehabilitation. However, these services and mechanisms are still insufficient, given the scope and complexity of the problem.
34. With the review of the law reaffirming the free registration of births and extending the deadline for registration, the system has taken a step in the direction of extending

enjoyment of this right to all children. However, the general public does not always appreciate the importance of the registration of births.

V. RECOMMENDATIONS

35. A legal framework should be established to grant equal access for all women to means of production, especially land and formal employment, and measures taken to ensure effective application of its provisions;
36. The existing law which is constantly in breach through the marriage of girls under the age of 15 years, should be enforced, and measures taken to harmonise the definition of the marriageable age for girls, in compliance with the provisions of the Convention on the Rights of the Child.
37. A Family Code and a Code for the Protection of the Child should be drawn up and adopted in order to create the enabling conditions for a protective environment for women and children.
38. Oversights in the law must be repaired to include children's and women's rights. The reservations on CEDAW must be lifted and measures taken to speed up adoption of a Children's Code, as recommended by the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women. Measures should also be taken to ensure effective enforcement of laws and sanctions against offenders violating these rights.
39. A national social protection programme should be formulated and implemented in order to facilitate multisectoral action on the factors militating against the survival of the child, namely, poverty, the environment of the child (accommodation, clothing, food, water, modern energy, sanitation and transportation), and illiteracy.
40. Quality obstetric and neo-natal care should be made economically accessible to all women and children country-wide.
41. Natural resource conservation measures and measures to mitigate the impact of climate change on women and children should be pursued, together with the implementation of policies relating to the creation of decent living conditions in both rural and urban areas, and including the right of children to clothing.
42. All children at all levels of education, should be guaranteed training of high intrinsic (syllabus content) and extrinsic (adaptability to life) quality, while concurrently, a strategy of positive discrimination should be adopted in favour of girl children at all levels of the educational cycle, particularly in the rural areas.
43. Teaching women and young girls in and out of school the basic reading skills should be adopted as a key strategy in the combat against poverty.
44. Implementation of the different national policies aimed at ensuring the involvement of women in economic and social activities and their acceptance in decision-making positions of Government should be speeded up, and an egalitarian legal framework granting women access to means of production, including land and formal employment should be put in place and enforced.
45. A national policy of systemic child protection should be adopted in order to empower the social services to take charge of children in vulnerable situations, and facilitate their reintegration into their family units or the community. Measures compliant with the Convention on the Rights of the Child should be taken to ensure that even children in conflict situations should be treated as victims of violence and not simply as perpetrators of an offence.
46. More adequate resources should be allocated to those sectors of interest to children and women, namely, health, education, protection, water and sanitation.
47. An egalitarian legal framework should be adopted and enforced, with a view to ensuring the representation of the most vulnerable children in decision-making and policy formulation at both national and regional levels on issues concerning them.