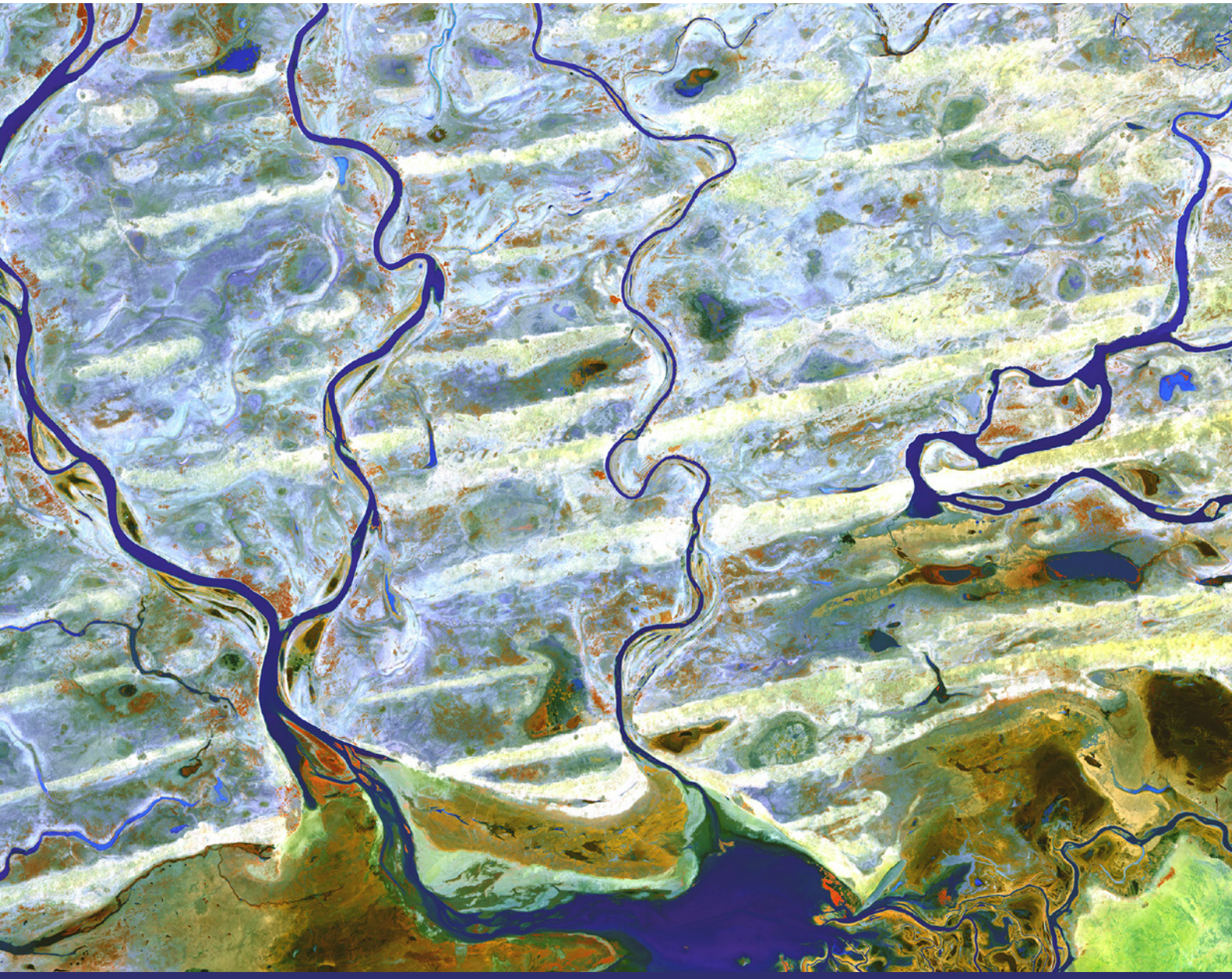
WOMEN'S INTERNATIONAL LEAGUE FOR PEACE & FREEDOM NIGER GROUP

FAD Femmes - Actions et Développement

Universal Periodic Review of Niger

JOINT REPORT TO THE UPR WORKING GROUP



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About the Organisations Submitting this Report

Since its creation in 2018, WILPF Niger, as national section of the Women's International League for Peace and Freedom, has made it its mission to improve the involvement of women in all sectors of development. To do so, WILPF Niger advocates to ensure that women are taken into account in areas such as education, conflict management and prevention as well as political participation. With this in mind and acknowledging the importance of synergy in action, WILPF Niger works in close collaboration with the NGO Femmes, Actions et Développement Niger (FAD Niger) which is a local NGO that shares WILPF Niger's goals.

Since 2018, WILPF Niger together with FAD Niger has:

- Trained more than 200 young girls and boys on the notions of non-violent conflict management in the Tillabéry region of Niger,
- Carried out an inventory on women's political participation in the country,
- Trained more than a hundred women on the basics of politics,
- Advocated for decision-makers to adopt Order No. 000025 MEP/APLN/ EC/ MES/ MEP/T of 4 February 2019 specifying the conditions for protection, support and assistance for young girls attending school.

The growing security threat facing Niger has prompted WILPF Niger, again in collaboration with FAD Niger, to carry out more actions in the area of the UN Security Council's Women, Peace and Security agenda through developing and popularising a standardised conflict-management strategy for the Tillabéry region in North West Niger; producing reference guides, including traditional conflict-resolution mechanisms and methodology; reviving existing peace committees; and several other activities. Some of these activities are available on the Facebook pages of the FAD Niger and WILPF Niger as well as in their activity reports.[1]

1 NGO FAD "Femmes, Actions et Développement'" Niger: https://www.facebook.com/ongfadniger; Women's International League for Peace and Freedom (WILPF) Niger: https://www.facebook.com/Women-International-League-for-Peace-and-Freedom-WILPFNiger-2309071609364844

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I. Assessment of the Implementation of Recommendations From Previous UPR Cycles

Niger is a secular country but it is strongly governed by customary law and a rigid interpretation of the Muslim religion. Customary law, often in conflict with statutory law, particularly in rural areas, regards women as secondary citizens who cannot make decisions and cannot have opinions or visions different from that of the head of the family (father, husband, brother). This patriarchal system is at the root of the marginalisation of girls and women in all sectors, particularly in politics, education and the economy. Girls and women experience multiple forms of discrimination and find themselves deprived of their rights, even fundamental ones. The persistence of this system contributes greatly to the increase in violence against women and girls. In Niger, considering females as inferiors has become part of the collective social conscience.

In previous UPR cycles, Niger received six recommendations on women's participation in political life.[2] In the second cycle, it received 40 recommendations relating to the rights of women and girls that focussed on:

- The need to lift its reservations to the Convention on the Elimination of Discrimination against Women (CEDAW) and harmonise national laws with the Convention;
- The right to education;
- Combating harmful traditional practices, including female genital mutilation (FGM);
- Women's participation in economic life;
- The right to health, including maternal and reproductive health and gender-based violence;
- The fight against early and forced marriage.[3]

Several actions are being carried out by the government with the support of civil society to combat such violence and to give women the place they deserve, but this remains a difficult task. Reservations to CEDAW have still not been lifted, and successive governments do not appear to have made it their priority. Measures have been taken to promote girls' education such as Decree No. 935-2017 of December 2017 on the protection, support and assistance for girls attending school, which promotes the retention of girls in school until the age of 16. However, this decree only includes commitments by the State to improve the quality of education, which has not reassured human rights organisations about the fight against early marriage of girls, nor even increased the rate of girls' education. The implementing order for the decree was only adopted in February 2019 after much advocacy from civil society organisations such as ours.

2 A/HRC/32/5, 120.141 Strengthen the participation of women in decision-making positions and in the labour market (Egypt), 120.75 Strengthen the awareness-raising and training of women on leadership (Cuba), available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/24/PDF/G1607524.pdf?OpenElement; A/HRC/17/15, 76.19 Take effective measures to ensure equal opportunities and treatment of women and men in the labour market in both private and public sectors (Malaysia), 76.62 Continue its efforts to ensure meaningful women representation in the future Government (Indonesia), 76.69 Take all necessary measures granting women, especially those in rural areas, equal access to health services and healthcare, participation in decision making (Luxembourg), 78.20 Take the necessary legal and financial measures to ensure the equal participation of women in all areas (Turkey), available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/123/07/PDF/G1112307.pdf?OpenElement

3 A/HRC/32/5 available at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/24/PDF/G1607524.pdf?OpenElement

Female genital mutilation decreased considerably in Niger between 1998 and 2006, from around 5% to 2%, thanks in particular to the popularisation and application of Article 232 of the Nigerien Penal Code.[4] Younger generations are not aware of the existence of this practice, which tends to disappear, even though it is still practised to a small extent, particularly in the west of the country.[5] Numerous measures have been taken to improve maternal and reproductive health, such as the creation of healthcare centres, free access to certain products necessary for maternal and child health, and free healthcare for children aged 0 to 5 years. However, the rates of infant and maternal mortality remain high because the increase in services is not proportionate to the high population demography and some villages are still far removed from health centres. A lot of men still refuse to allow their wives to access antenatal consultations and the lack of financial means results in many women, even nowadays, giving birth at home without ever going to a health centre.

Early and forced marriages remain high because the State has not taken concrete steps to eradicate this practice. An action plan to combat child marriage has been developed,[6] but it is struggling to be implemented due to a lack of financial resources. The absence of a law prohibiting child marriage certainly does not help in decreasing this phenomenon, which, on the contrary, is on the rise.

Niger has also taken the following actions towards promoting women's rights:

- The revision of the Law on quotas of December 2019 granting 25% of elective positions and 30% of nominative positions to the gender least represented in governing bodies (i.e. in this case, to women);
- The creation and revitalisation of a national observatory for the promotion of gender equality in 2015, which aims to monitor the situation of women and make recommendations for improvement;[7]
- The existence of the national gender policy and its revision every five years in order to adapt it to women's realities and take their needs into account.

4 Article 232 of the Penal Code provides: Art. 232. – Any person guilty of the crime of FGM shall be sentenced to life imprisonment. If death has resulted from the act, the death penalty shall be imposed. (Unofficial translation)

5 https://www.unicef.org/french/infobycountry/niger_49292.html#:~:text=%C2%AB%20La%20mutilation%20g%C3%A9nitale%20a%20un,femmes%20et%20entrave%20leur%20scolarisation.&text=Au%20Niger%2C%20selon%20une%20enqu%C3%AAte,5%2C8%20%C3%A0%202%25; https://data.unicef.org/resources/fgm-country-profiles/

6 https://www.unicef.org/niger/stories/ending-child-marriage-niger

7 http://news.aniamey.com/h/55255.html

II. Early and Forced Marriage

In Niger, 77% of women aged 20 to 24 are married before age 18, the highest rate in the world.[8] Under Article 144 of the Civil Code, the legal age of marriage is 15 for girls and 18 for boys.[9] Despite numerous requests that the State raise the age of marriage for girls, this has still not been done and the law remains inconsistent with several international conventions ratified by Niger.[10] Even today, parents still believe that it is better to give away their daughters in marriage before the age of 18 rather than risk keeping them in a school system with no future or keeping them at home for a long time. This could, in their view, reduce the girl's chances of finding a husband because she will no longer be attractive to suitors. This happens even in urban areas, but in rural areas this type of consideration is even worse, as a girl who exceeds the age of 16 without being married is considered to be "lagging behind". This belief is so widespread that it is sometimes internalised by the girls themselves, who often want and also force themselves to marry very early. They seek out their suitors because they have internalised the belief that a woman's only successful future is marriage.

Faced with this, several advocacy actions have been carried out by civil society with decision-makers, notably the National Assembly, for the adoption of a law protecting girls from marriage until the age of 18. The proposed text would have provided for prison sentences and fines for the perpetrators of early marriages. Parliamentarians did not pass the law for fear of reprisals from religious leaders and some traditionalists who had threatened not to tolerate such a law. To remedy this, in December 2017 the government adopted Decree No. 935-2017 on the protection, support and assistance for the girl child still attending school.[11]

The decree provides for measures to support the schooling of girls up to the age of 16, but makes no mention of early marriage, nor does it mention any sanctions. Rather, it provides that *"school principals, parents, members of school management structures and any other informed person are obliged to denounce any act likely to jeopardise the girl's schooling and to immediately inform the competent authorities of the occurrence of such acts."* (Unofficial translation).[12] This creates significant legal uncertainty as to what constitutes an act likely to jeopardise girls' education and which authority is competent to judge and make decisions regarding such acts. These are the questions that actors working on girls' education, whether they are judicial officials, school administrations or civil society organisations, are asking themselves.

Civil society organisations advocated for more than a year to obtain the implementing order for Decree No. 935-2017 in the hope that it would be more explicit than the decree itself, but they were very disappointed when finally in February 2019, the ministries in charge of education signed the joint Order No. 000025/MEP/APLN/ECM/MES/MEP/T, specifying the conditions for the protection, support and assistance for the girl child still attending school. This implementing order makes no mention of early marriage and simply

8 https://www.unicef.org/french/protection/files/Le_mariage_des_enfants.pdf; https://www.unicef.org/niger/sites/unicef.org.niger/files/2020-03/ISSUE%20BRIEF%20-%20Ending%20Child%20Marriage%20in%20Niger%20-%202020_0.pdf

9 https://www.savethechildren.org.uk/content/dam/global/reports/advocacy/child-marriage-niger.pdf; https://www.refworld.org/docid/3f7d4dda31.html

10 Niger is a party to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

11 Fifteenth (15th) Periodic Report of the Republic of Niger on the Implementation of the African Charter on Human and People's Rights Covering the Period 2017-2019, Presented Pursuant to Article 62 of the said Charter, November 2019, paragraph 372, available at: https://www.achpr.org/fr_states/statereport?id=129

12 https://www.lemonde.fr/afrique/article/2018/02/05/les-filles-eternelles-oubliees-de-l-education-au-niger_5251968_3212.html

refers to the provisions of the Penal Code relating to the abduction of minors.[13] The problem with this definition is that it does not cover most cases of early marriages that are carried out without fraud, violence or kidnapping, as most of them are carried out with the "consent" of the girl herself. Here again, the actors concerned are faced with a legal vacuum, with no clear and explicit provisions enabling them to combat early marriage.

Moreover, Niger's reservations to Articles 2 and 16 of CEDAW continue to hinder the adoption of effective measures against early and forced marriage of girls, despite Niger's acceptance of 19 UPR recommendations committing it to withdraw these reservations.[14] Niger also signed the Maputo Protocol, which prohibits marriage without consent of both parties in 2004; however, it has not yet ratified it.[15] In addition, although the legal age of marriage is 18 for boys and 15 for girls, many girls are married before the age of 15 under customary law.

In 2018, the Committee on the Rights of the Child also expressed deep concern at the very high number of marriages concluded under customary law, which does not set a minimum age for marriage. The Committee recommended that Niger regulate these customary practices.[16] Article 72 of Law No. 2018-371 of 1 June 2018 provides that the courts must rule out the application of any custom contrary to international conventions, laws and regulations or morals, including those relating to marriage and the family; however, the application of this provision needs to be strengthened.[17]

13 Article 255 (1) of the Criminal Code (Law n° 63-3 of 1 February 1963) criminalises the abduction of minors by stipulating that: "Anyone who, by fraud or violence, has abducted or caused to be abducted minors under the age of 18, or has led them away, misappropriated or displaced them, or has caused them to be led away, misappropriated or displaced from the places where they were placed by those to whose authority or direction they were subjected or entrusted, shall be punished by imprisonment from two to less than ten years. The attempt shall be punished as the offence itself."(Unofficial translation)

14 https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/309/97/PDF/N0630997.pdf?OpenElement; A/HRC/17/15, first cycle recommendations 78.7, 78.8, 78.8, 78.9, 78.10, 78.17, 78.32; A/HRC/32/5, second cycle recommendations 120.68, 120.70, 120.71, 120.15, 120.16, 120.17, 120.18, 120.19, 120.20, 120.21, 120.22, 120.23.

15 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, available at: https://www.un.org/fr/africa/osaa/pdf/au/protocol_rights_women_africa_2003f.pdf; https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf

16 CRC/C/NER/CO/3-5, paragraph 14 available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/NER/CO/3-5&Lang=En

17 Law n° 2018-37, 1 June 2018, fixing the organisation and competence of the courts in the Republic of Niger, Art. 72: "Subject to compliance with duly ratified international conventions, legislative provisions or fundamental rules concerning public order or the freedom of persons, the courts apply the custom of the parties: 1) in cases concerning their capacity to contract and to act in justice, the status of persons, the family, marriage, divorce, filiation, successions, donations and wills; 2) in cases concerning property or real estate possession and the rights deriving therefrom, except when the dispute concerns registered land or land whose acquisition or transfer has been established by a mode of proof established by law." (Unofficial translation) CCPR/C/NER/Q/2/Add.1, para. 6, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FNER%2FQ%2F2%2FAdd.1&Lang=en

Recommendations

a. Enact legislation strictly prohibiting child marriage, including of girls up to the minimum age of 18, with criminal and administrative penalties for non-compliance;

b. Amend Article 144 of the Civil Code to increase the age of marriage for girls to 18;

c. Effectively implement Article 72 of Law No. 2018-371 of June 2018,[18] which provides that the courts must rule out the application of any custom contrary to international conventions, laws and regulations or morals;

d. Train judges, religious and customary leaders and any other public authorities to expedite changes in attitudes towards early and forced marriage;

e. Raise awareness among the public, especially parents and traditional chiefs, on the harms of early and forced marriage and the importance of schooling for girls;

f. Provide employment and training opportunities for women and girls so that they have alternatives to marriage;

g. Repeal all discriminatory legislative provisions against women and girls including those relating to early and forced marriage and lift all reservations to CEDAW, as already accepted in the previous UPR cycle and as recommended by the Committee on the Elimination of Discrimination against Women in 2007 and 2018;

h. Ratify without delay the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);

i. Effectively implement the action plan to combat child marriage in partnership with civil society organisations, including indicators for monitoring and evaluating its implementation.

III. Girls' Right to Education

In Niger, it is recognised that the right to education is not respected, particularly among girls. In fact, the net enrolment rate for girls is lower than that of boys since primary school, with 71% for boys and 66% for girls.[19] As age and school level increases, the difference widens with only one girl in 10 completing high school.[20] Niger had received and accepted five recommendations in its two cycles of the UPR on girls' education, including a recommendation to guarantee the equal right to quality education for young mothers and married girls.[21] The Committee on the Rights of the Child had also recommended that in order to ensure the return of young mothers to school, Niger should repeal Decision No. 65/MEN/DEST/EX of 10 July 1978, which temporarily excluded pregnant girls from school, and excluded them definitively when they got married. This decision was repealed in February 2019 through the signing of the above-mentioned decree specifying the conditions for the protection, support and assistance for the girl child still attending school.

18 Law n° 2018-37, 1 June 2018, fixing the organisation and competence of the courts in the Republic of Niger, Art. 72 (supra footnote 17)

19 https://www.unicef.org/niger/education

20 Status of girls' education by the National Director of Secondary Education, Ms. Mariama Chipkao in 2019.

21 A/HRC/17/15, first cycle UPR recommendation 76.72; A/HRC/32/5, second cycle UPR recommendations 120.154, 120.156, 120.157, 120.158.

However, as discussed in the previous section, girls' education cannot be significantly improved until coercive measures are taken to eradicate early and forced marriage of girls. The Committee on the Elimination of Discrimination against Women ("CEDAW Committee") highlighted in 2017 the very low rate of school enrolment of girls, particularly in rural areas, and their very low school completion rates due to, inter alia, child marriage and early pregnancy.[22] The Committee, thus, recommended that Niger continue to raise awareness among parents and traditional chiefs on the importance of education for women and girls, integrate reproductive health issues into school curricula, eliminate the indirect costs of education and support women's access to higher education through scholarships and literacy programmes in rural areas.[23]

The precariousness of girls' schooling is also due to a hostile school environment due to physical assaults by male students, teachers and also by those with malicious intent on the girls' way to school.[24] This is more common in rural areas where girls and their parents are afraid to report violence against girls, which is considered taboo. In 2018, the Committee on the Rights of the Child expressed concern about the risk of sexual violence by teachers and school staff, particularly in rural areas, and recommended that Niger take measures to protect children from sexual and other types of violence in schools and bring the perpetrators of such violence to justice.[25] Unfortunately, this is not implemented and when such acts are committed by members of the teaching staff, the perpetrators are often simply transferred to another school or remain without punishment if they agree to take the girl victim as their wife.

Recommendations

a. Include in the Decree 935-2017 (on the protection, support and assistance for the girl child still attending school) sanctions for those who do not respect it, and who withdraw their daughters from school, and raise the age of girls protected by the decree to 18 years instead of 16 years;

b. Allocate the financial, material and human resources necessary for the implementation of Decree 935-2017 on the protection, support and assistance for the girl child still attending school and its implementation order to effectively support parents with the costs relating to the education of their daughters, the building of school infrastructure and the setting up of vocational training for girls who drop out of school;

c. Promote female employment and facilitate access to employment for girls and women, particularly those from rural areas;

d. Sensitise women, girls, parents, traditional chiefs and the general public on the usefulness of schooling for girls;

e. Take measures to protect children, especially girls, from the risk of violence in schools, including sexual violence, and bring the perpetrators of such violence, including teachers, to justice and impose dissuasive sanctions.

22 CEDAW/C/NER/CO/3-4, para. 28.

23 CEDAW/C/NER/CO/3-4, para. 29.

24 Etude sur la Prevalence et les Causes de la Violence Basée sur le Genre en Milieu Scolaire au Niger, (Study on the prevalence and causes of gender-based violence in the school environment in Niger), February 2017.

25 CRC/C/NER/CO/3-5, paras. 38 (f) and 39 (e)

IV. Women's Participation in Political and Public Life

The participation of Nigerien women in political life has certainly improved in recent years, but this progress has fallen short of expectations. Women represented 50.1% of the population of Niger in 2012. However, their involvement in political and public life is not commensurate with their numbers in society.[26] In fact, the insufficient involvement of women in the country's governing bodies is evident, despite the existence of positive discrimination measures, such as the Law on quotas No. 2000-008 of 7 June 2000.[27] This law was last revised in 2019, granting 25% of elective positions and 30% of appointed positions to women.[28] However, this law alone does not ensure the worthy involvement of women in political and public life, and even before the revisions of the law, the old law of 2000 was already not respected.

At present, only 17% of Parliament and 13.5% of the government are made up of women.[29] Failure to comply with the Law on quotas is due to the lack of effective sanctions. The only foreseen sanction is the rejection of electoral lists at the time of their submission. However, this is not enough to improve the representativeness of women because even if the names of female candidates are proposed to ensure the validation of the electoral lists, these candidates are often poorly positioned on the lists. After elections, women do not benefit from the positions won by their parties because their names are not at the top of the list, and the top positions usually go to influential men in the party. When it comes to appointments to the government or other important public offices, the pattern is similar, again favouring men. There is also almost no representation of women in traditional chieftaincy positions (canton chief, village chief, etc.). There are no female canton chiefs and fewer than five women are village chiefs, because they themselves founded their villages. Otherwise no woman can inherit that position according to traditional norms.

This exclusion of women can also be explained by a lack of awareness of their rights, their lack of self-confidence encouraged by a patriarchal society, a high illiteracy rate and, above all, by socio-cultural burdens. Insufficient awareness among the population for the acceptance of women as active participants in the public life of the country and insufficient knowledge of legal texts are also factors in the marginalisation of women in the political and public spheres.

26 Institut National de la Statistique [National Institute of Statistics], 2012 Census.

27 https://sites.clas.ufl.edu/sahelresearch/files/RON-2000-Quota-Loi.pdf

28 https://www.niameyetles2jours.com/la-gestion-publique/social/2210-4605-un-minimum-de-30-de-femmes-sera-desormais-impose-lors-des-nominations-aux-emplois-superieurs-de-l-etat; http://www.anp.ne/?q=article/les-deputes-adoptent-les-modifications-apportees-la-loi-sur-le-quota-des-femmes-0

29 https://data.ipu.org/node/124/data-on-women?chamber_id=13476; http://datatopics.worldbank.org/gender/country/niger

Recommendations

a. Ensure compliance with Law 2000-008 on quotas by making access to public funding conditional on only those political parties that respect the quota in their electoral lists, by replacing the open electoral list system with a zip system for the nomination of candidates, by including a woman on every second place on the electoral lists, and by applying financial and other sanctions in the event of non-compliance with the law;

b. Promote women's participation in political life through awareness-raising, facilitating women's access to information and making funds available for electoral campaigns for the benefit of women;

c. Raise awareness among political leaders and the general population about the benefits of women's participation in politics;

d. Adopt a law imposing gender parity at all levels in political and public bodies with effective sanctions.

V. Conflict Prevention and Implementation of the Women, Peace and Security Agenda

Since 2015, Niger, in some of its regions, has been facing a somewhat unstable security situation due to its shared borders with countries in conflict such as Mali, Libya and Nigeria. These conflicts force the population of other countries as well as the Nigerien population to migrate to refugee camps in the regions of Tillabéry and Diffa. During conflicts, particularly in the region of Diffa where the terrorist group Boko Haram operates, women are the most affected as they are targeted by terrorists to become hostages, suicide bombers or sex slaves.[30] In July 2019, 33 women and 6 children were abducted in Ngalewa in the Diffa region and these people have not yet been found.[31] When women are not abducted by terrorists, they find themselves alone or with children following the loss of their husbands, brothers or fathers due to them being murdered or forcibly recruited by terrorist groups. As a result, they are left to provide for the needs of the family, without having a source of income because they were used to being cared for by the men in their families. As noted in Niger's National Action Plan 2017-2019 on Resolution 1325 (NAP 1325), these different conflicts are aggravated by various factors including the illicit circulation of firearms.[32]

During a field survey carried out by FAD in 2019 in the region of Tillabéry, the interviewees reported that when the population suspected actors being involved in the conflicts and denounced them, it happened that those apprehended were quickly released, which put the denouncers and their families in danger, often killed in cold blood in front of everyone by the armed groups (as was the case in the department of Torodi). In some villages, there is no presence of defence and security forces, which makes the population more vulnerable and fearful of denouncing the perpetrators of violence. The situation is so serious that

30 National Action Plan for the implementation of United Nations Security Council Resolution 1325 in the ECOWAS space 2017-2019, October 2016, Ministry for the Advancement of Women and Child Protection, Directorate General for the Promotion of Women and Gender, page 9, available at: https://www.peacewomen.org/sites/default/files/Niger%20NAP%201325.pdf

31 https://www.lemonde.fr/afrique/article/2017/07/04/niger-boko-haram-enleve-37-femmes-et-tue-9-personnes-dans-un-village-proche-du-nigeria_5155369_3212.html

32 Supra footnote 30.

some mayors have deserted their communes, for instance. in the commune of Inates, and more than half of the population has fled. The remaining population refuses any contact with the State administration because the armed groups are hostile to it. Women survivors of violence during conflicts report that if they denounce the acts, they put themselves in danger because the perpetrators are likely to go after them and they do not believe that the State is able to protect them.

Women are the most affected by conflicts, as evidenced by their precariousness and numerical superiority in refugee camps.[33] These women then find themselves either seeking asylum (for those coming from other countries), or in a situation of precariousness and internal displacement (for those coming from Niger) which further increases women's poverty (in 2008 and according to the INS out of the 34% of the population living below the extreme poverty line, 73% are women). In 2017, the CEDAW Committee highlighted the lack of a strategic policy or legislative response to address the extremely precarious situation of displaced women and girls, who are particularly vulnerable to sexual and gender-based violence, early and forced marriage, human trafficking, forced prostitution and abduction by terrorist groups to serve as suicide bombers and sex slaves.[34]

Despite their presence at the heart of conflicts, women are generally kept out of conflict-resolution mechanisms and processes by men who see them as less able to join and make a relevant contribution. Their participation is also marginalised by their under-representation in public and political life as explained above. Niger adopted in October 2016 a National Action Plan for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security (NAP1325).[35] This plan (2017-2019) was structured around 4 priority areas: Prevention of conflicts and gender-based violence; Protection, assistance and rehabilitation of victims; Participation and representation; Coordination, monitoring and evaluation of activities. The plan envisaged the creation of a steering committee for the action plan under the aegis of the Ministry for the Advancement of Women and Child Protection, as well as the active participation of civil society in its implementation and evaluation.[36]

The plan also envisaged an interim and final evaluation of its implementation, which to date has not yet been published. Furthermore, although a budget was provided for the implementation of the plan, financial and human resources have not been mobilised to implement it. In 2018, the CEDAW Committee further recommended that Niger "avail itself of the financial and technical assistance provided by international development partners to ensure the inclusion and participation of women at all stages of the peace-making, stabilisation and reconstruction process, in line with the UN Security Council resolution 1325 (2000) ..." [37] This action plan is still struggling to become operational due to the lack of financial and human resources available for its activities. The State has not always taken into account the financing of this action plan in its annual budget and the Ministry for the Advancement of Women continues to struggle to mobilise resources for its implementation. At the same time, military expenditure nothing but increased in recent years and represents up to 15% of the national budget according to some sources. It is urgent

33 https://www.nrc.no/countries/africa/burkina-faso-and-niger/; https://www.unhcr.org/news/briefing/2020/5/5eba5d6f4/nigeria-violence-sees-23000-refugees-flee-niger-month-alone.html

34 CEDAW/C/NER/CO/3-4, para. 10.

35 National Action Plan for the implementation of United Nations Security Council Resolution 1325 in the ECOWAS space 2017-2019, October 2016, Ministry for the Advancement of Women and Child Protection, Directorate General for the Promotion of Women and Gender, available at: https://www.peacewomen.org/sites/default/files/Niger%20NAP%201325.pdf

36 Ibid.

37 CEDAW/C/NER/CO/3-4, para. 11 (d)

that the government allocate the financial, human and material resources necessary to implement its NAP1325.[38]

Recently, local NGOs, such as FAD since 2017 and WILPF Niger since 2018, have been working to instil women's leadership but also to advocate for the effective involvement of women in the peace process, even if the task proves to be tedious. They are trained in mediation, conflict management and prevention mechanisms, peacebuilding and their groups are revitalised in order to intervene in the peace process and play the role of early warning in the various committees set up. However, in spite of this training, they remain hesitant to position themselves in the peace committees or even to take the lead in them.

Recommendations

a. Sanction the perpetrators of violence against women in conflict situations (sexual assault, kidnapping, threats, murder of family members, etc.) and ensure the protection of victims, whether the perpetrators are members of armed groups or members of communities;

b. Support the participation of women in peace processes and conflict prevention, particularly through training activities for women on mediation, conflict management and peace mechanisms;

c. Expedite the adoption of a policy and legislative framework to guarantee the security of women and girls who are asylum seekers, returnees or displaced persons and ensure their access to food supplies, clean water and sanitation, shelter, health care and education, and facilitate their acquisition of identity documentation;

d. Establish a specialised mechanism to investigate allegations of acts of violence by security forces and armed groups and other human rights violations and abuses, with a particular focus on gender-based violence and other human rights violations perpetrated against women and girls, bringing perpetrators to justice and ensuring protection, compensation and rehabilitation for victims;

e. Allocate the financial, human and material resources needed to implement the National Action Plan 1325 in partnership with civil society, and reduce military expenditure to reallocate it to the realisation of key economic and social rights such as education and health.

38 https://www.jeuneafrique.com/mag/531887/politique/le-niger-face-au-defi-du-cout-de-la-securite/; https://www.dw.com/fr/larm%C3%A9e-nig%C3%A9rienne-appel%C3%A9e-%C3%A0-%C3%AAtre-r%C3%A9form%C3%A9e-apr%C3%A8s-laudit/a-53675538; https://www.medias24.com/les-depenses-militaires-mondiales-atteignent-leur-plus-haut-niveau-en-2019-9826.html