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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: Niger

1. The Committee considered the second periodic report of Niger (CRC/C/NER/2) at its 1413rd and 1414th meetings (CRC/C/SR.1413 and 1414) held on 4 June 2009, and adopted at its 1425th meeting, held on 12 June, the following concluding observations.

A. Introduction

2. Although submitted with a significant delay, the Committee welcomes the frank and self-critical nature of the second periodic report of the State party as well as the written replies to its list of issues (CRC/C/NER/Q/2/Add.1), and commends the fruitful dialogue held with the high-level and multisectoral delegation, which allowed for a better understanding of the situation of children in the State party.

B. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the positive developments related to the implementation of the Convention, such as:

   (a) Act No. 2003-05 of 13 June 2003 amending the Criminal Code and introducing new offences, including female genital mutilation, genocide and the crime of slavery;

   (b) Law No. 2007-30 on free birth registration;

   (c) The Reproductive Health Act of 21 June 2006;

   (d) The drafting of the Children's Code;

4. The Committee also welcomes the ratification by the State Party of the following:

   (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 October 2004;

   (b) The Convention on the Rights of Persons with Disabilities on 24 June 2008;

   (c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women in September 2004;

   (d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 30 September 2004;

   (e) The Rome Statute of the International Criminal Court on 11 April 2002;

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

Committee's previous recommendations

5. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report. Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to the allocation of resources, the minimum age for marriage, birth registration, corporal punishment, informal adoptions, street children, as well as child abuse and neglect.

6. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

Legislation

7. The Committee welcomes the elaboration in 2005 of a draft Children's Code in order to abolish the legal pluralism in the field of children's rights and harmonize the national laws with the Convention on the Rights of the Child. However, the Committee is concerned that this Code has not yet been examined by the Government and submitted to the National Assembly for adoption. Therefore, enjoyment of child rights continues to be negatively affected by the application of three different sources of law, namely positive, customary and religious laws.

8. **The Committee urges the State party to take, as a matter of priority, all appropriate measures to expedite the adoption of the Children's Code covering all the provisions of the Convention, and ensure adequate human and financial resources for full implementation of the provisions when approved. The Committee urges the State party to ensure that appropriate penalties are set out in its legislation and applied for acts that are violations of the rights of the child, such as early marriage and sexual violence. Furthermore, the State party should promote awareness of legislation, in particular among communities which continue to apply customary and religious laws.**

Reservations

9. The Committee expresses concern at the remaining reservations to the Convention on the Elimination of All Forms of Discrimination Against Women which, as stated by the State party itself, deprive several provisions of the Convention on the Rights of the Child of their substance and constitute an impediment to the promotion of gender equality in all fields.

10. **The Committee urges the State party to consider withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women within a concrete time frame, as recommended by the Committee on the Elimination of Discrimination Against Women (CEDAW/C/NER/CO/2, paras. 10 and 16).**

Coordination

11. The Committee, while taking note of the redefinition of the mandate of the Ministry for the Promotion of Women and the Protection of Children and the planned revitalization of the National Committee for the Survival, Protection and Development of Children (CNSPDE), remains concerned that national coordination of the implementation of the Convention is not sustained. In particular,

the Committee is concerned that the CNSPDE remains poorly staffed and that its related regional committees have not yet been set up. The Committee is also concerned that the Ministry for the Promotion of Women and the Protection of Children only receives a small fraction of the State party's annual budgetary allocations and that it lacks adequate funding to carry out its work relating to children.

12. The Committee, referring to its previous recommendation (CRC/C/15/Add.179, para. 12) urges the State party to continue strengthening the mandate of the CNSPDE and to provide it with the necessary human and financial resources enabling it to effectively coordinate and monitor implementation at the national, regional and subregional level. The Committee also calls upon the State party to ensure that the Ministry for the Promotion of Women and the Protection of Children receives adequate financial and human resources to carry out its work relating to children. In this regard, the Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child.

National Plan of Action

13. The Committee notes with interest the Action Plan for the Survival, Protection and Development of Children (2006-2010) as well as the Draft National Policy Framework for the Integrated Development of the Young Child. However, the Committee is concerned that there has been no evaluation of the previous Action Plan and that the new action plans are still waiting for the Government's approval and do not cover all areas of the Convention. The Committee also regrets that no information is provided on the financial and human resources provided to the Committee established for the implementation of the action plans.

14. The Committee encourages the State party to adopt a comprehensive National Action Plan for Children addressing all the rights enshrined in the Convention on the Rights of the Child, and to take into account the outcome document "A World Fit for Children" adopted by the General Assembly at its special session on children held in May 2002 and its midterm review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies. The Committee encourages the State party to also monitor the implementation of the "Call for accelerated action on the implementation of the Plan of Action towards Africa Fit for Children (2008-2012)" adopted in Cairo on 2 November 2007 by the African Union second Pan-African Forum on Children: midterm review (see A/62/653).

Independent monitoring

15. While the Committee takes note of the creation within the National Commission on Human Rights and Fundamental Freedoms of a Department for the Promotion of the Rights of Women and Children, it regrets that the National Commission has not been provided with the adequate human and financial resources to discharge its mandate and has no local and regional offices set up.

16. The Committee urges the State party to provide the National Commission on Human Rights and Fundamental Freedoms with adequate human and financial resources and to promptly set up its regional offices. The Committee also calls upon the State party to strengthen the prerogatives of the National Commission in terms of children's rights, notably by setting out its mandate relating to children both at the national and local levels. The Committee calls upon the State party to ensure that the Department for the Promotion of the Rights of Women and Children, which is empowered to receive and investigate complaints of violations of child rights, is made accessible to children and effectively addresses their complaints.

Allocation of resources

17. While the Committee welcomes the increase in budget allocation to the health and education sectors, it is concerned that the part of the national budget devoted to social services has been decreasing and that overall allocation of resources remains insufficient to effectively guarantee the fulfilment of all rights for all children. The Committee is further concerned about the State party's inability to clearly identify the amount and proportion of the State budget spent for children. The Committee is concerned over reports of continuing corruption which have a negative impact on the allocation of already limited resources for the promotion and protection of children's rights.

18. **The Committee urges the State party, taking into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States", to:**

(a) **Utilize a "child rights" approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges the State party to use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the differential impact of such investment on girls and boys is measured;**

(b) **Utilize, as far as possible, funds from the Special Presidential Programme established as a result of debt relief for investment on children, including infrastructure;**

(c) **When possible, follow the United Nations recommendation to start results-based budgeting to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect;**

(d) **Define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(e) **In the context of the decentralization process currently carried out in the State party, ensure transparent and participatory budgeting through public dialogue and participation, especially that of children, and for proper accountability by local authorities;**

(f) **Take all the necessary measures to prevent and prosecute acts of corruption.**

Data collection

19. The Committee welcomes the efforts made with regard to data collection and, in particular, the creation in 2005 within the Ministry for the Protection of Children of a Statistics Department, and the adoption in 2007 of a National Strategy for the Development of Statistics. However, the Committee is concerned at the unavailability of quality data and analysis on children's rights, especially with regard to children belonging to the most vulnerable groups, including child victims of violence and sexual abuse, street children, children working as domestic servants, children in conflict with the law and children living in poverty.

20. **The Committee encourages the State party to continue to strengthen its data collection system with the support of its partners and to use this data as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The State party should ensure that information collected contains up-to-date data on a wide range of**

vulnerable children including child victims of violence and sexual abuse, street children, children working as domestic servants, children in conflict with the law and children living in poverty.

Dissemination, training and awareness-raising on the Convention

21. While the Committee commends the State party's efforts to widely disseminate the Convention and the jurisprudence of the Committee and to organize sensitization and awareness-raising campaigns and training programmes, the Committee regrets that the promotion of the Convention has been insufficient in rural areas and that the Convention still hasn't been published in some of the State party's local languages.

22. **The Committee recommends that the State party expand its awareness-raising campaigns to reach populations outside of urban areas and to translate the Convention into all the State party's main languages. The Committee urges the State party to ensure that the provisions of the Convention are widely known and understood by adults, including religious and traditional leaders as well as children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, including law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions.**

Cooperation with civil society

23. The Committee welcomes the State party's indication that State institutions work in close collaboration with non-governmental organizations (NGOs) and the participatory process through which the State party's report was drafted. However, it is seriously concerned over the limitations placed upon certain organizations of civil society and, in particular, the severe administrative and practical restrictions upon the operation of international NGOs working in the area of human rights and humanitarian assistance for children.

24. **The Committee strongly recommends that the State party respect the crucial role played by civil society in furthering the implementation of the Convention and encourage the active, positive and systematic involvement of civil society, including international and national NGOs, in the promotion of children's rights, including their participation in the follow-up to the concluding observations of the Committee.**

2. Definition of the child (art. 1 of the Convention)

25. The Committee notes with satisfaction the indication by the State party that a consensus was reached among traditional and religious leaders to set the minimum age for marriage at 18 for boys and girls. The Committee is, nevertheless, concerned that this consensus has not yet been enacted in the legislation and that the minimum legal age for marriage of boys (18 years) and girls (15 years) therefore remains gender-discriminatory.

26. **The Committee urges the State party to ensure the swift adoption of the Children's Code which will set the minimum age for marriage at 18 for boys and girls.**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

27. The Committee welcomes all the efforts made by the Government in promoting girls' education and in particular the awareness-raising campaigns carried out with the support of traditional and religious chiefs in the regions where girls' enrolment is particularly low. However, the Committee

remains concerned at the persistent discrimination which girls suffer in the State party. It also remains concerned at the legal discrimination against children born out of wedlock and the persistent social discrimination experienced by the most vulnerable groups, such as children with disabilities and children living in rural areas.

28. **The Committee reiterates its previous recommendation (CRC/C/15/Add.179) that the State party make greater efforts to ensure that all children within its jurisdiction enjoy, without discrimination, all the rights set out in the Convention, including through public education programmes and the eradication of social misconceptions, in accordance with article 2; and prioritize and target social services for children belonging to the most vulnerable groups. The Committee urges the State party to ensure that the adoption of the Children's Code and Family Code will result in the withdrawal of all discriminatory provisions. The Committee also joins its voice to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/NER/CO/2, para. 16) to recommend to the State party that it put in place, without delay, a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to, and discriminatory against, women.**

Best interests of the child

29. The Committee notes the State party's indication that the principle of the best interests of the child is taken into account by the State institutions, and that an inventory of good practices conducive to the protection of children's rights before the courts was adopted by the Judiciary in 2007. However, the Committee notes with regret that customary law and certain practices remain an impediment to the implementation of this principle.

30. **The Committee urges the State party to take all necessary measures to ensure that traditional practices and customary law do not impede the implementation of this general principle, notably through raising awareness among community leaders and within society at large.**

Respect for the views of the child

31. The Committee remains concerned that the principle of respect for the views of the child is not clearly expressed in the State party's legal framework. The Committee is also concerned about traditional societal attitudes which prevent children from freely expressing their views within the family, schools, communities, as well as in judicial and administrative proceedings.

32. **The Committee recommends that the principle of respect for the views of the child be incorporated into the State party's constitution as well as into all laws, policies and programmes relating to children, including development projects. In this connection, the Committee calls the attention of the State party to the recommendations adopted on the day of general discussion on the right of the child to be heard, held on 15 September 2006, and urges that particular emphasis should be placed on the right of every child to be heard in the family, at school, in judicial and administrative proceedings, in the community and in society at large, with special attention to vulnerable groups.**

4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

Slavery

33. The Committee is deeply concerned that the State party's report lacks information about caste-based slavery practices while those practices exist throughout the country and perpetrators are not prosecuted and punished. The Committee is especially concerned at the absence of services

to free children and adult victims of traditional slavery practices and at the little efforts to educate the public about harmful slavery practices in general.

34. The Committee urges the State party to take all the necessary measures to eradicate all forms of slavery within the State party and, in particular, to ensure that perpetrators of such practices are systematically prosecuted in courts in accordance with the law. The Committee calls upon the State party to adopt a National Plan of Action to combat slavery, including effective measures to free victims of traditional slavery practices, and provide children with rehabilitation, psychological recovery and assistance to be reintegrated into their families, as well as awareness-raising campaigns on the provisions of the new law against slavery.

Birth registration

35. The Committee notes with satisfaction the adoption in 2007 of a new law on birth registration and a National Registry Policy, the appointment and training of regional and local registration officers, as well as the registration campaigns conducted to reach children who were not registered at birth. The Committee is concerned, however, at the decreasing percentage of children registered at birth due, notably, to the low performance of civil registration services, the lack of registration centres in rural areas, and the delayed remuneration of registration officers. While noting with appreciation the State party's indication that Mahamide people living in Niger have the same rights and duties as other Niger nationals, the Committee remains concerned at the lack of registration of Mahamide children which exposes them and their families to the risk of becoming stateless.

36. The Committee urges the State party to strengthen its efforts to ensure that all children born within the national territory, especially Mahamide children, are registered. The Committee calls upon the State party to ensure that institutional registration structures are free and accessible, especially in rural and remote areas. The Committee also reiterates its previous recommendation (CRC/C/15/Add.179, para. 61) that the State party accede to the Convention relating to the Status of Stateless Persons (1954).

Corporal punishment

37. The Committee is concerned that the provisions against violence and abuse in the Constitution and the Criminal Code are not interpreted as prohibiting corporal punishment in child-rearing, and that there is no explicit prohibition of corporal punishment in schools and alternative car settings. The Committee is also deeply concerned about all forms of violence inflicted upon children in Koranic schools and their detrimental consequences on children, including physical and mental disability.

38. The Committee draws the attention of the State party to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and recommends that it:

(a) Explicitly prohibit corporal punishment by law in the family, schools and institutions; and ensure that those laws are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;

(b) Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment;

(c) Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice, and promote positive, nonviolent, participatory forms of child-rearing and education;

(d) Ensure that an educational programme be undertaken against corporal punishment, insisting both on child rights and the psychological aspects;

(e) Ensure recovery and social reintegration of victims of corporal punishment;

(f) Take appropriate measures to address ill-treatment of children in Islamic Schools and prosecute perpetrators in accordance with the criminal law.

Follow-up to the United Nations Study on Violence against Children

39. While the Committee welcomes the creation of a national Framework for Coordination of Action to Counter Violence against Women and Children, it regrets that such a framework has not yet led to the formulation of a comprehensive strategy to combat all forms of violence against children.

40. The Committee encourages the State party to prioritize the elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the UnitedNations Study on Violence against Children, taking into account the outcome and recommendations of the Regional Consultations for West and Central Africa (held in Bamako, from 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

(i). Prohibit all forms of violence against children;

(ii). Strengthen national and local commitment and action;

(iii). Promote non-violent values and awareness-raising;

(iv). Enhance the capacity of all who work with and for children;

(v). Ensure accountability and end impunity;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence against Children, OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

5. Family environment and alternative care (arts. 5, 18, paras. 1-2, 9-11, 19-21, 25, 27, para. 4, and 39 of the Convention)

Family environment

41. While the Committee welcomes the State party's indication that the State party provides parents with family allowances, it notes that those family allowances are only paid to a limited number of families and that the State party lacks adequate services and financial support to families.

42. The Committee urges the State party to take all necessary measures to ensure the allocation of appropriate financial and other support to programmes that support parents in the exercise of their responsibilities. The Committee also calls upon the State party to provide effective support

programmes for children in vulnerable families.

Parental responsibilities

43. While the Committee notes the equal rights and obligations of parents under the Constitution, it is concerned that civil law subordinates women to their husbands and deprives them from taking part in any decision within the family. The Committee is concerned that the Family Code, whose drafting started in 1976, has not yet been adopted, and that repudiation and polygamy remain common practices with adverse effects on the rights of the child.

44. The Committee urges the State party to review legislation, programmes and policies so as to promote equal sharing of parental responsibility. The Committee also encourages the State party to abolish repudiation as planned and to discourage polygamy by applying legal and administrative measures and conducting awareness-raising campaigns on its adverse effects on children. The Committee also urges the State party to expedite its efforts towards the adoption of a Family Code.

Child custody

45. The Committee reiterates its concern from the previous periodic review (CRC/C/15/Add.179, para. 38) at the persistence of customs applicable in divorce cases, according to which the custody of a child under 7 years old is entrusted to the mother and thereafter to the father when he or she is above 7 years old, without obtaining the views of the child and without taking into account his or her best interests.

46. The Committee reiterates its previous recommendation (CRC/C/15/Add.179, para. 39) that the State party take all the necessary measures to eradicate the customs applicable in divorce cases, and continue sensitizing the population on its negative impact and its contradiction with the best interests of the child and other relevant provisions of the Convention.

Children deprived of their family environment

47. The Committee expresses concern at the State party's indication that 10 per cent of children under 15 years of age do not live with either of their two parents. The Committee expresses concern that, because insufficient efforts are being made to reintegrate children in their families, vulnerable children are increasingly transferred to care centres. The Committee is also concerned that the centres of alternative care still lack trained and qualified personnel and are not efficiently supervised by the Ministry for the Promotion of Women and the Protection of Children.

48. The Committee urges the State party to elaborate and implement a protection policy enabling children to enjoy their right to live with their biological family. The Committee urges the State party to develop additional programmes to strengthen alternative care facilities and provide additional training for social and welfare workers. The Committee also urges the State party to establish independent complaint and monitoring mechanisms for alternative care institutions.

Adoption

49. The Committee notes with concern that no significant action has been undertaken during the period under review to decrease the number of informal adoptions. The Committee is further concerned that, despite international adoption being common in the State party, the practice remains unregulated.

50. The Committee calls upon the State party to include clear provisions in the Children's Code to prevent the practice of informal adoption and set up an effective mechanism to monitor

adoptions. The Committee also reiterates its previous recommendation (CRC/C/15/Add.179, para. 43) that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 without delay.

Abuse and neglect

51. The Committee regrets that the State party's report lacks adequate information on child abuse while abuse of children in the home, in schools, especially Islamic schools, and in the street continues to be widespread and often legitimized by custom. The Committee is seriously concerned that violence against children is socially accepted and not considered a priority issue at the Government level. The Committee is further concerned that the State party lacks a child protection system to monitor and report child abuse and neglect, leaving child victims unprotected.

52. **The Committee recommends that the State party establish a child protection system, including effective mechanisms to receive, monitor through collection of data, and investigate reports of cases of child abuse and, where required, initiate prosecutions of perpetrators in a manner that is child-sensitive and ensures the privacy of the victims and provides child victims of sexual or other forms of abuse with the necessary psychological and other support for their full recovery and social reintegration. The Committee also recommends that the State party carry out preventive public education campaigns about the consequences of the abuse and ill-treatment of children.**

6. Basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1-3, of the Convention)

Children with disabilities

53. The Committee notes with satisfaction the actions jointly conducted with NGOs and child protection and humanitarian agencies in favour of persons with disabilities, including children, the creation of specialized facilities to care for their needs and well-being, and the adoption of a National Strategy for specialized education. The Committee remains concerned, however, at the persisting societal discrimination against children with disabilities and the lack of appropriate legislation to protect their rights. It also notes that further efforts should be made to extend the coverage of assistance and rehabilitation to all children with disabilities and to improve access for disabled children in need of protection.

54. **The Committee recommends that the State party:**

(a) **Take into account the Convention on the Rights of Persons with Disabilities, article 23 of the Convention on the Rights of the Child and the Committee's general comment No. 9 (2006) on the rights of children with disabilities;**

(b) **Take all necessary measures to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation on the issue;**

(c) **Make every effort to provide programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;**

(d) **Take all necessary measures to ensure the implementation of the 2005 Strategy for Specialized Education which aim is to promote education for children with special educational needs;**

(e) **Carry out awareness campaigns to sensitize parents and the public about the rights and special needs of children with disabilities, taking into consideration gender-specific disabilities, and encourage their inclusion in society;**

(f) **Provide training for professional staff working with children with disabilities, such as teachers, social workers, medical, paramedical and related personnel.**

Health and access to health services

55. The Committee notes with appreciation the significant efforts of the State party in the field of health, notably as regards global acute and chronic malnutrition, under-five mortality and vaccination programmes. However, the Committee expresses concern that, while rates of acute and chronic malnutrition and maternal mortality remain at a very high level, the attention paid to those critical issues seems to be underestimated. The Committee is also concerned at the low performance of health services in terms of access, utilization and quality, and at the traditional or religious beliefs which limit children's access to health care.

56. **The Committee calls upon the State party to increase its efforts to ensure equal access to quality health services by all children, including children living in the most remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children, including through:**

(a) **Continuing to mobilize financial and human resources at district levels for an effective implementation of the National Health Development Plan with a particular emphasis on the development of primary health care;**

(b) **Considering nutrition as a national priority and providing appropriate resources to the implementation of nutrition activities, fully integrating nutrition activities within Government health structures and using the relevant international recommendations to fight the underlying causes of malnutrition;**

(c) **Strengthening its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved sanitary conditions, greater access to clean drinking water, and the management of communicable diseases and malaria;**

(d) **Increasing its efforts to further reduce maternal mortality throughout the country, including generalization of specific actions to prevent post-partum bleeding and other major causes of maternal death;**

(e) **Pursuing immunization efforts, including through improved outreach activities and immunization of "drop-out" children, and efficient implementation of the full package of integrated interventions in all health districts;**

(f) **Ensuring that all segments of society are informed, and have access to education and support on the use of basic knowledge of child health and nutrition, including the advantages of exclusive breastfeeding for children up to 6 months;**

(g) **Seeking technical cooperation from UNICEF and WHO.**

Adolescent health

57. The Committee reiterates its concern expressed during the previous review (CRC/C/15/Add.179, para. 48) that insufficient attention has been paid to adolescent health issues, as reflected by the lack of information in the State party's report in this regard. The Committee is also concerned at the lack of educational programmes on sexual and reproductive health and raising awareness about, and access to, safe contraception methods.

58. In light of its general comment No. 4 (2003) on adolescent health, the Committee urges the State party to follow its previous recommendation and undertake a comprehensive study to assess the nature and extent of adolescent health problems, with full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes. The Committee also recommends that the State party improve availability and sustainability of sexual and reproductive health services and promote educational programmes on sexual and reproductive health.

Harmful traditional practices

59. The Committee welcomes the significant efforts made by the State party to eradicate female genital mutilation (FGM) through the proclamation of Law No. 2003-25 penalizing the practices, the awareness-raising campaigns organized in partnership with traditional chiefs, and the strategies at the community and national levels. Nevertheless, the Committee notes with concern that FGM remains prevalent among Gourmantche women, Pheul women and Arab women, while the regions of Tillabery, Diffa and Niamey carry the highest rates. The Committee is also concerned at that the high incidence of early marriages, which not only creates serious health risks for girls and risk of infanticide but also prevents them from completing their education.

60. The Committee urges the State party to:

(a) Implement and apply legislative and other measures to prohibit traditional practices that are harmful to children, including FGM, and ensure that perpetrators of such acts are brought to justice;

(b) Continue and strengthen awareness-raising and sensitization activities for practitioners, families, traditional or religious leaders and the general public in order to encourage change in traditional attitudes;

(c) Continue providing practitioners of FGM with adequate training to find alternative sources of income;

(d) Concentrate efforts to eradicate FGM in the regions where those practices remain widespread.

61. The Committee urges the State party to take immediate measures to prohibit early and forced marriages and organize awareness-raising campaigns in partnership with traditional chiefs on the adverse consequences of early pregnancies.

HIV/AIDS

62. The Committee notes with appreciation the development and adoption of the 2002 and 2008 National HIV/AIDs multisectoral framework and sectoral action plans as well as the prevention activities conducted in partnership with NGOs.

63. In light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee urges the State party to strengthen its efforts to ensure access to antiretroviral treatment for children living with HIV/AIDS and take all the necessary measures to combat the persisting discrimination against these children.

Right to an adequate standard of living

64. While the Committee welcomes the adoption of the Poverty Reduction Strategy Paper as well as the President's Special Programme, it notes with regret that the standard of living in Niger is considerably low and that a large number of families and children live in a situation of chronic food

insecurity, and lack adequate shelter and access to clean drinking water and basic sanitation facilities, particularly in rural areas. The Committee is concerned that the population growth constitutes a major obstacle to the improvement of the standard of living of children and their families.

65. **The Committee recommends that the State party strengthen the application of its poverty-reduction strategies and other measures with a particular focus on children, in order to provide economically disadvantaged families with, inter alia, adequate food, clean drinking water, shelter and sanitation facilities.**

7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Right to and aims of education

66. The Committee commends the major efforts of the State party to expand access to primary education as well as the increase in girls' access to education, the building of new educational infrastructures in rural areas, and the training programmes for teachers. The Committee is, however, concerned that only half of the children are enrolled in primary education, and also notes that compulsory education is up to 6 years only. The Committee is also concerned at the poor quality of the education system, the high drop-out rate, the still weak gender equity in education, the very low adult literacy rate, and the limited percentage of children aged 3-5 benefiting from preschool education.

67. **The Committee recommends that the State party:**

(a) **Improve the quality of education and take all measures to ensure that children complete their schooling by taking concrete action to address the reasons behind non-completion of schooling;**

(b) **Address disparities more effectively by allocating specific budget and long-term support targeting the most deprived children, namely girls in especially poor rural areas;**

(c) **Ensure adequate funding of the public education system and free compulsory education;**

(d) **Ensure that teachers are well-trained, fully qualified and receive adequate remuneration;**

(e) **Extend compulsory education beyond 6 years;**

(f) **Increase access to early childhood education to all regions of the State party;**

(g) **Create and strengthen promotion of vocational education and training for children who have dropped out of primary or secondary schools;**

(h) **Include human rights and child rights in the curricula of schools;**

(i) **Encourage the participation of children at all levels of school life;**

(j) **Take into account its general comment No. 1 (2001) on the aims of education.**

8. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30 and 32-36 of the Convention)

Children affected by armed conflict

68. The Committee expresses concern at the continued military conflict in the north of the country which is expected to further impoverish the chronically poor and the vulnerable nomadic populations, putting children and women at great risk of marginalization, exploitation and trafficking. The Committee is also concerned that the minimum age for voluntary or compulsory

recruitment is not specified by law, and that children as young as 13 years old can enrol into the military school of Niamey and be taught basic handling of firearms.

69. **The Committee calls upon the State party to set up emergency mechanisms to ensure that all children in difficult circumstances, including those affected by armed conflict, have their basic rights to shelter, food and education met. The Committee also urges the State party to adopt a legislation setting the minimum age of 18 for recruitment into military forces in line with the African Charter on the Rights and Welfare of the Child. The Committee also calls upon the State party to raise the legal age to enter military schools.**

Unaccompanied, refugee and displaced children

70. The Committee notes with appreciation that, in accordance with its previous recommendation (CRC/C/15/Add.179, para. 61), the State party now ensures birth registration of refugee children as well as their enrolment into the school system. The Committee is, however, concerned at the lack of information provided by the State Party on the situation of internally displaced persons, including children, who have been forcibly displaced from their homes due to ongoing armed conflict in the northern part of the country.

71. **The Committee recommends that the State party take all necessary measures to protect the rights of all internally displaced children and children living in insecure areas, in particular their right to life, health and education.**

Street children

72. The Committee reiterates its concern from the previous periodic review at the number of children who are begging in the street. The Committee is seriously concerned at the situation of the Talibé children under the guardianship of Koranic schools who are forced by their Marabouts to beg in the streets.

73. **The Committee recommends that the State party:**

(a) **Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;**

(b) **Develop and implement, with the active involvement of street children themselves, a comprehensive policy which should address the root causes, as well as define preventive and protective measures which establish annual targets to reduce the number of street children, allocate the necessary resources and develop appropriate guidelines for the implementation of such strategy by public services and NGOs;**

(c) **With the active involvement of children themselves, support family reunification programmes and other alternative care, provided that they are in the best interests of the child;**

(d) **Ensure that street children attend and stay in school, and provide adequate health care services, shelter and food, bearing in mind the different needs of boys and girls;**

(e) **Develop sensitization programmes in collaboration with traditional and religious leaders and parents to stop the practice of Marabouts sending children to beg in the street.**

Economic exploitation, including child labour and slavery

74. The Committee is concerned that 74 per cent of children under 15 years of age work, many of them in hazardous conditions in mines and quarries which may expose them to mercury, and

crushing and hoisting ore. The Committee notes with concern the lack of updated information in the State party's report on the initiatives to combat child labour, the weak implication of the authorities as well as the very limited resources devoted to the fight against child economic exploitation.

75. **The Committee therefore reiterates its previous recommendation (CRC/C/15/Add.179, para. 65) that the State party:**

(a) **Adopt and implement a national plan of action to prevent and combat child labour;**

(b) **Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to strengthen further their capacity to monitor effectively the implementation of child labour legislation and relevant ILO Conventions;**

(c) **Eliminate the worst forms of child labour, and raise awareness among the population on this issue, involving traditional leaders;**

(d) **Seek innovative approaches, such as alternative education or non-formal education, to give educational opportunities to children who are older and have to work;**

(e) **Seek assistance from ILO.**

Trafficking

76. The Committee notes with appreciation the drafting of a bill criminalizing trafficking, the adoption of a National Plan of Action to Combat Child Trafficking, as well as the State party's participation in the 2005 Multilateral Cooperation Agreement to Combat Trafficking in Persons, and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. However, it is seriously concerned that, despite the extent of child trafficking within, from, and to the State party, the existence of the phenomena is not fully recognized in the State party. The Committee is also concerned at the lack of coordination between the ministries on this issue and at the lack of resources provided to the victim shelter created in 2006.

77. **The Committee recommends that the State party:**

(a) **Promptly adopt a law penalizing child trafficking, ensure proper investigation in cases of child trafficking and prosecute and punish the perpetrators;**

(b) **Accelerate the process of adoption of the Action Plan against Child Trafficking and provide the Commission for the elaboration of the Plan with the necessary resources to carry out its role with efficiency;**

(c) **Increase awareness-raising measures to prevent and eliminate trafficking in women and children, in particular by supporting the current efforts undertaken byNGOs, and strengthen the alert committees created at the local level;**

(d) **Sign agreements to combat transnational child trafficking with the neighbouring countries and;**

(e) **Provide further resources to support sheltering and physical and psychological recovery of all children, victims of sale or trafficking.**

Sale, sexual exploitation and abuse

78. The Committee notes the elaboration of a Plan of Action against child sexual violence. However, the Committee is concerned at the increasing number of child victims of sexual exploitation in the State party. The Committee is also deeply concerned at the practice called "The Wahaya", by which

rich people or eminent personalities, as well as chiefs and important Marabouts, buy young girls to serve as their concubines which seems to be widely socially accepted.

79. **The Committee recommends that the State party:**

(a) **Develop and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation;**

(b) **Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children;**

(c) **Continue to implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the outcomes of the 1st, 2nd and 3rd World Congresses against Commercial Sexual Exploitation of Children of 1996, 2001 and 2008, as well as the outcome of other international conferences on this issue.**

Juvenile justice

80. The Committee notes with satisfaction the creation of additional educative, preventive and judiciary services (*Services Educatifs, Préventifs et Judiciaries* (SEJUP)) as well as the creation of a central service for the protection of minors within the national police. The Committee is, however, concerned at the lack of human and financial resources allocated to the specialized juvenile courts, the quasi-absence of specialized child educators and institutions for the placement of children in conflict with the law, and the lack of child-sensitive spaces available at police stations. The Committee is also concerned that Ordinance 99-11 on the creation of juvenile courts does not cover all cases involving minors and that children aged 16 to 18 who commit crimes together with adults are brought before adult courts and may face the death penalty. The Committee reiterates its deep concern that children continue to be detained together with adults.

81. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37(b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines") and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "Havana Rules"). In particular, the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice:**

(a) **Take immediate steps to halt and abolish, by law, the imposition of the death penalty and life sentence for crimes committed by persons under 18 years of age;**

(b) **Bring cases involving children to trial as quickly as possible;**

(c) **Urgently ensure that, in all detention facilities, children are no longer detained with adults;**

(d) **Takes all necessary measures, including strengthening the policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible, that when detention is carried out, it is done in compliance with the law and respects the rights of the child, including the 10-hour time limitation for custody of children, that children are not ill-treated in detention, and that conditions in detention facilities meet international minimum standards;**

(e) **Envisage a vast capacity-building programme for stakeholders, including specific training for police brigades, judges and social workers, to strengthen technical capacity and knowledge on juvenile justice systems and alternatives to detention;**

(f) Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

9. Ratification of international and regional instruments

82. The Committee notes the information provided by the delegation that the State party ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2003, but urges it to transmit without undue delay the instrument of ratification to the Secretary-General, including the necessary binding declaration and description of safeguards required under article 3, paragraph 2, of the Protocol. The Committee also encourages the State party to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol"). The Committee also encourages the State party to submit its initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

10. Follow-up and dissemination

Follow-up

83. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Government, the Parliament, and to regional and subregional authorities, when applicable, for appropriate consideration and further action.

Dissemination

84. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

11. Next report

85. The Committee invites the State party to submit its combined third, fourth and fifth periodic report by October 2012. This report should not exceed 120 standard pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

86. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the Harmonized Guidelines on Reporting, approved by the 5th Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).