



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of the Niger\*

#### I. Introduction

1. The Committee considered the combined third to fifth periodic reports of the Niger (CRC/C/NER/3-5) at its 2321st and 2322nd meetings (see CRC/C/SR.2321 and 2322), held on 24 and 25 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/NER/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol on the involvement of children in armed conflict, in 2012. The Committee notes with appreciation the legislative, institutional and policy measures taken to implement the Convention, in particular the adoption of the Constitution of 25 November 2010, which enshrines equality before the law without distinction on grounds of sex or of social, racial, ethnic or religious origin (art. 8), the establishment of the National Human Rights Commission through Act No. 2012-44 of 24 August 2012, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and the adoption of the 2017 decree to protect girls' schooling and the 2017 decree prohibiting child labour.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: gender-based violence (paras. 23 and 24), health and health services (paras. 31 and 32), education, including vocational

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\* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



training and guidance (paras. 38 and 39), children in armed conflict (paras. 41 and 42), economic exploitation, including child labour (paras. 43 and 44), and the administration of juvenile justice (paras. 46 and 47).

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. In the light of the State party's information on the prevalence of application of customary law over its statutory law in most personal status matters, including marriage and inheritance, the Committee urges the State party to harmonize its statutory and customary laws with the provisions of the Convention and to eliminate customary practices that are not in line with the Convention. In this regard, the Committee recommends that the State party accelerate the adoption of the draft Children's Code, aimed at harmonizing national legislation with the Convention, and the adoption of the Family Code. It also recommends that the State party take measures to implement its existing legislation aimed at promoting and protecting children's rights, including by allocating sufficient human, technical and financial resources for that implementation.

### **Comprehensive policy and strategy**

6. While taking note of the National Programme on Child Protection (2014–2019), the Committee encourages the State party to prepare a comprehensive policy on children that encompasses all areas covered by the Convention and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. It also recommends that, using such a policy as the basis, the State party develop a strategy with the necessary elements for its application, supported by sufficient human, technical and financial resources.

### **Coordination**

7. The Committee notes the establishment of the Directorate General for the Protection of Children, Welfare and Humanitarian Action and of regional committees to improve coordination on child protection. Nevertheless, it recommends that the State party establish an appropriate body at a high, interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention and its optional protocols at the cross-sectoral, national, regional and local levels. The State party should ensure that said coordinating body is provided with the human, technical and financial resources necessary for its effective operation.

### **Allocation of resources**

8. In view of the State party's information that the promotion and protection of the rights of the child is a component of the multi-year budget forecast for the period 2019–2021 of the ministry responsible for child protection and with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Prioritize and increase substantially, to adequate levels, the allocations in the areas of health, education, nutrition and protection;

(b) Establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;

(c) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention, and to prevent corruption;

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

(e) Revisit its priorities for monitoring and implementing the Sustainable Development Goals and consider the inclusion of child-focused priorities, including those related to ending child labour (target 8.7), early childhood development (target 4.2), ending violence against children (target 16.2) and eliminating sexual violence (target 5.2).

#### Data collection

9. With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Expeditiously improve its data-collection system. The data should cover all areas of the Convention and should be disaggregated by, among others, age, sex, disability, geographical location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. The collection and use of data should be based on respect for human rights and for the principle of self-identification;

(b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects that allow for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation* (HR/PUB/12/5) when defining, collecting and disseminating statistical information;

(d) Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.

#### Independent monitoring

10. With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

(a) Continue strengthening the mandate of the National Human Rights Commission, including its mechanism for monitoring children's rights and its capacity to receive, investigate and address complaints by children in a child-sensitive manner;

(b) Ensure the privacy and protection of child victims, and continue to follow up and monitor their situation;

(c) Provide the National Human Rights Commission with sufficient human, technical and financial resources and extend its activities to the entire territory of the country;

(d) Seek technical cooperation with, among others, OHCHR and UNICEF.

#### Dissemination, awareness-raising and training

11. The Committee recommends that the State party continue strengthening its efforts to raise the awareness of the population of the provisions of the Convention, including by reaching persons belonging to minority groups and populations in rural and remote areas.

#### Cooperation with civil society

12. While noting certain restrictions faced by non-governmental organizations critical of the Government, the Committee recommends that the State party ensure that civil society actors can act freely and facilitate their registration within an appropriate time frame. It also recommends that the State party strengthen further its collaboration with civil society organizations, including by providing support for services delivered by civil society organizations related to the promotion and protection of children's rights through formal agreements.

#### Children's rights and the business sector

13. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries, especially mining industries, operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to children's rights;

(b) Ensure effective implementation by companies, especially industrial companies, of international and national environmental and health standards and effective monitoring of the implementation of those standards, appropriately sanction and provide remedies when violations occur, and ensure that appropriate international certification is sought;

(c) Require companies to undertake assessments of and consultations on the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts, and to fully and publicly disclose those assessments, consultations and plans.

### B. Definition of the child (art. 1)

14. The Committee is deeply concerned at the overwhelming number of marriages concluded through customary law, which does not provide for a minimum age of marriage, and that the State party's statutory laws establish the minimum age of marriage for girls at 15 years. The Committee therefore urges the State party to regulate its customary laws and practices and to revise its statutory laws in order to raise the minimum age of marriage for girls to 18 years, in line with the State party's obligations under the Convention and the African Charter on the Rights and Welfare of the Child.

### C. General principles (arts. 2, 3, 6 and 12)

#### Non-discrimination

15. While noting that the 2010 Constitution contains provisions on non-discrimination, the Committee recalls its recommendation from previous concluding observations (CRC/C/NER/CO/2, para. 28, and CRC/C/15/Add.179, para. 28) 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 this regard, the Committee urges the State party to prioritize and target social services for children in the most marginalized and disadvantaged situations, in particular girls, children in slavery, including talibé children and girls subjected to the

practice of *wahaya* (fifth wife), children in street situations, migrant, refugee and asylum-seeking children, children in forced labour, orphan children, children of unmarried parents, children with or affected by HIV, children separated from their families and unaccompanied children. It also urges the State party to withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and ensure that the rights of girls are fully integrated into all of its policies and programmes.

#### Best interests of the child

16. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated into and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria that provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration. The Committee recalls its recommendation in its previous concluding observations (CRC/C/NER/CO/2, para. 30) that the State party take all necessary measures to ensure that traditional practices and customary law do not impede the implementation of this right.

#### Right to life, survival and development

17. Taking note of target 3.2 of the Sustainable Development Goals, on ending preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:

(a) Address the poverty and structural inequalities underlying the high rate of child mortality in the State party;

(b) Improve its health services to decrease infant and child mortality by providing better protection against preventable diseases, such as malaria and respiratory and diarrhoea-causing diseases, raising awareness of methods of prevention and providing appropriate health-care services for mothers and postnatal care for infants and children;

(c) Implement the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).

#### Respect for the views of the child

18. While noting positive developments such as the establishment of a youth parliament and school governments, and with reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party promote the meaningful and empowered participation of all children within the family, communities and schools by law and include children in decision-making in all matters related to them. It also recommends that the State party take measures to ensure the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures that allow social workers and courts to comply with this right.

### D. Civil rights and freedoms (arts. 7, 8 and 13–17)

#### Birth registration

19. While commending the positive efforts of the State party to increase birth registration rates and taking note of target 16.9 of the Sustainable Development Goals,

on providing legal identity for all, including birth registration, the Committee recommends that the State party strengthen its efforts to ensure that all children born on its territory, including nomadic children, shepherd children and asylum-seeking and refugee children, are registered at birth, including by allocating sufficient human, technical and financial resources to civil registration centres and through effective coordination of their activities throughout the country.

#### **Slavery**

20. The Committee is deeply concerned about reports of the continuing practice of descent-based slavery of children, whereby children are treated as the property of their master and can be rented out, loaned, given as a gift or inherited by their masters' children. It is also concerned that the prosecution of slavery cases is limited, penalties are mild and customary laws that coexist with national laws are discriminatory against people of slave descent.

21. The Committee recalls its previous recommendation on the subject (CRC/C/NER/CO/2, para. 34) and strongly urges the State party to take all the measures necessary 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 services and assistance for reintegrating into their families, as well as awareness-raising campaigns on the provisions of the law against slavery.

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

22. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recalls its previous recommendation on the subject (CRC/C/NER/CO/2, para. 38) and urges the State party to:

(a) Explicitly prohibit corporal punishment by law in all settings, including in the home and in Qur'anic schools, and ensure that such 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 the practice, and promote positive, non-violent and participatory forms of child-rearing and education;

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

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

(f) Take appropriate measures to address ill-treatment of children in Qur'anic schools and prosecute perpetrators in accordance with criminal law.

#### **Gender-based violence**

23. The Committee is seriously concerned about:

(a) Gender-based violence against girls, including sexual assault, rape and domestic violence;

- (b) Widespread impunity and the systematic use of community mediation to address rape of girls;
- (c) The lack of confidence in the justice system and limited means of assistance, protection or redress to child victims;
- (d) The absence of specific laws criminalizing marital rape;
- (e) The absence of the definition of statutory rape in the State party's legislation owing to the absence of a legal minimum age of sexual consent.

24. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, on ending, among other things, violence against children, and target 5.2 of the Sustainable Development Goals, on eliminating violence against all women and girls, including trafficking and sexual and other types of exploitation, the Committee urges the State party to:**

- (a) **Criminalize sexual violence against girls, including statutory and marital rape, by establishing a minimum age of sexual consent, and strengthen the protection of child victims and the prosecution and punishment of perpetrators, with no recourse to community mediation;**
- (b) **Ensure that child victims are encouraged to report incidents of gender-based violence, including through the provision of capacity-building programmes for judges, prosecutors, police officers, law enforcement personnel, legal practitioners and traditional leaders on how to investigate such cases in a gender- and child-sensitive manner;**
- (c) **Ensure that child victims have access to appropriate redress, including compensation;**
- (d) **Increase the number of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes, as well as legal assistance, to child victims of gender-based violence.**

#### **Harmful practices**

25. The Committee urges the State party to take necessary measures, including legislative measures, to eradicate the practice of child marriage, in particular in the Maradi, Zinder and Tahoua regions, and to develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, and judges and prosecutors. Furthermore, with reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to take active measures to put an end to female genital mutilation, which is still practiced in the region of Tillabéri, and ensure that girls who are victims or at risk of becoming victims of such harmful practices have access to fully operational helplines and related services.

### **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

26. **The Committee recalls its previous recommendations on the subject (CRC/C/NER/CO/2, paras. 42 and 44) and urges the State party to take all necessary measures to:**

- (a) **Ensure the allocation of appropriate financial and other resources to programmes that support parents in the exercise of their responsibilities;**

- (b) Provide effective support programmes for children in vulnerable families;
- (c) Ensure that mothers and fathers equally share legal responsibility for their children, in accordance with article 18 (1) of the Convention;
- (d) Eliminate discrimination against women in forms such as polygamy and repudiation, which negatively impact their children.

#### **Children deprived of a family environment**

27. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:

- (a) Implement its 2016 National Programme for Children and social service reform and facilitate family-based care for children wherever possible;
- (b) Formalize the alternative care system by establishing a system of foster care for children who cannot stay with their families, ensure periodic review of the placement of children in foster care and monitor the quality of care therein;
- (c) Reduce the practice of confiage and carry out regular monitoring of the situation of children who live under such an arrangement;
- (d) Increase the number of social workers and provide them with adequate training, in particular training on children's rights, and the necessary technical and financial resources;
- (e) Regulate and monitor the practices of entrusting children to marabouts in Qur'anic schools in order to avoid abuses of children's rights;
- (f) Provide accessible channels for reporting, monitoring and remedying the maltreatment of children deprived of a family environment.

#### **Adoption**

28. The Committee is concerned that the State party, although admitting the existence of informal adoptions and of intermediaries' involvement in adoption cases, does not have information on the scope of the practice. The Committee is particularly concerned that the State party does not regulate and monitor informal adoptions, including confiage, whereby parents entrust their children to their relatives and friends, as noted by the State party (CRC/C/OPSC/NER/1, para. 117).

29. The Committee recommends that all appropriate legal and administrative measures be taken to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments and with their obligation to ensure that any adoption is in the best interests of the child. In particular, the Committee urges the State party to:

- (a) Develop and implement strict criteria for the adoption of children and ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criterion in all cases involving adoption, including confiage;
- (b) Take all measures necessary to ensure that no remuneration or any other consideration is received in relation to adoption;
- (c) Investigate all cases of irregular adoption or sale of or trafficking in children and improper inducement of consent of parents to give up their parental responsibilities in respect of their child for the purpose of his or her future adoption and carry out awareness-raising programmes at the community level.



**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

30. In the light of the information provided by the State party in its report (paras. 97–103) with regard to its efforts to address the situation of children with disabilities and with reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and:

- (a) Organize the collection of data on children with disabilities;
- (b) Set up a comprehensive strategy for the inclusion of children with disabilities;
- (c) Develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes and a specific budget for children with disabilities;
- (d) Strengthen its measures on inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;
- (e) Take immediate measures to ensure that all children with disabilities have access to health care, including early detection and intervention programmes, and quality orthopaedic equipment, especially in rural areas;
- (f) Provide specialized training, including on sign language, to teachers and professionals, and assign specialized teachers and professionals to integrated classes in which individual support and all due attention are provided to children with learning difficulties;
- (g) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities, especially children with intellectual and psychosocial disabilities, and promote a positive image of such children;
- (h) Develop mechanisms to prevent the economic exploitation, in particular, through begging, of children with disabilities.

**Health and health services**

31. While welcoming the achievements of the State party in maternal and child mortality reduction and taking note of the 2017–2021 National Health Sector Development Plan, the Committee remains concerned about:

- (a) The insufficient vaccination of children and regional disparities in vaccination coverage;
- (b) High levels of acute and chronic malnutrition;
- (c) A decrease in budget allocations and underfunding of the health sector;
- (d) The high costs of and out-of-pocket expenditure required for health-care services;
- (e) Delays in endorsement and dissemination of the decree on the International Code of Marketing of Breast-milk Substitutes.

32. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

- (a) Prioritize measures to improve access to and the quality of health-care and nutrition services, including through allocating sufficient financial resources to the health sector and ensuring the availability of qualified health-care staff;

(b) Create more vaccination centres, ensure that all children in the State party are fully vaccinated, reduce disparities in vaccination coverage among regions and provide all centres with the necessary human resources, equipment and vaccines;

(c) Promote, protect and support breastfeeding, increase the number of hospitals certified as child-friendly and fully implement the International Code of Marketing of Breast-milk Substitutes;

(d) Continue to seek technical assistance from, among others, UNICEF and the World Health Organization.

#### **Adolescent health**

33. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents;

(b) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;

(c) Develop and implement a policy to protect the rights of pregnant teenagers and adolescent mothers and their children and combat discrimination against them;

(d) Take measures to prevent drug and substance abuse among adolescents, raise the awareness of adolescents of the dangers of such abuse and provide support and assistance to those who have become addicted to drugs or other substances.

#### **Mental health**

34. The Committee recommends that the State party implement comprehensive policies and strategies throughout the country aimed at preventing mental health problems among adolescents and children and at providing for the treatment and recovery of adolescents and children with mental health problems, with the participation of families and communities.

#### **HIV/AIDS**

35. While noting the positive efforts of the State party, in particular its strategic plans to prevent mother-to-child transmission of HIV, and with reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

(a) Sustain the measures in place to prevent mother-to-child transmission of HIV, including through increasing the number of centres for the prevention of mother-to-child transmission in both urban and rural areas, and develop a road map to ensure the implementation of its plans through the allocation of sufficient human, technical and financial resources;

(b) Improve follow-up treatment for mothers with HIV/AIDS and their infants to ensure early diagnosis and early initiation of treatment;

(c) Accelerate the adoption of the Elimination of Mother-to-Child Transmission (eTME) Plan for 2018–2020;

(d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;

(e) Improve access to and coverage of antiretroviral therapy and prophylaxis for pregnant women and girls with HIV;

(f) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

#### **Impact of climate change on the rights of the child**

36. While noting the significant impacts of climate change on the State party in the form of, inter alia, deforestation, desertification and limited water and food resources, the Committee draws attention to target 13.b of the Sustainable Development Goals, on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommends that the State party take measures to strengthen policies and programmes to address the issues of climate change and disaster risk management, including through replanting trees, regenerating land and increasing solar energy. It also recommends that such policies and programmes include measures to protect the right of children to housing, sanitation, food, water and health and ensure the full and meaningful participation of communities at risk, including children, at both the national and regional levels.

#### **Standard of living**

37. While welcoming the Social Protection Policy of 2011 and in the light of the high rates of poverty in the State party, the Committee draws attention to target 1.3 of the Sustainable Development Goals, on implementing nationally appropriate social protection systems and measures for all. In this regard, it recalls its previous recommendation (CRC/C/NER/CO/2, para. 65) 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, among others, adequate food, clean drinking water, shelter and sanitation facilities. It also recommends that the State party establish a body responsible for long-term sustainable development.

## **H. Education, leisure and cultural activities (arts. 28– 31)**

#### **Education, including vocational training and guidance**

38. The Committee welcomes the efforts made by the State party in terms of allocating at least 15 per cent of its budgetary resources to education in recent years, as well as adopting the 2017 decree to protect girls' schooling. The Committee is, however, seriously concerned about:

- (a) The disparities between girls and boys in terms of rates of enrolment in and completion of primary school, despite the recent progress;
- (b) The high percentage of out-of-school children;
- (c) The poor quality of education and teaching;
- (d) Urban and rural disparities in access to school;
- (e) The absence of regulation of Qur'anic schools;
- (f) Risks of sexual abuse by teachers and school staff, especially in rural areas;
- (g) Insufficient funding for vocational training;
- (h) Use of schools by the military, which may render schools targets of attacks and endanger the safety of children.

39. With reference to its general comment No. 1 (2001) on the aims of education and taking note of Sustainable Development Goal 4, on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, the Committee recommends that the State party:

- (a) Take all necessary measures to improve the accessibility of education for all, especially children living in poverty and girls, by enforcing the 2017 decree;

- (b) Increase enrolment in schools by overcoming obstacles for out-of-school children and children who have dropped out of school;
- (c) Improve the quality of education by, inter alia, ensuring that teachers receive appropriate training and can upgrade their skills through in-service training, with particular emphasis on rural areas;
- (d) Regulate and monitor Qur'anic schools;
- (e) Ensure that schools are free from sexual and other types of abuse of children and bring perpetrators of such abuse to justice;
- (f) Increase funding for and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;
- (g) Take concrete measures to deter the use of schools by the military, including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks, in line with the commitment made in the Safe Schools Declaration.

#### **I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

##### **Asylum-seeking, refugee and migrant children**

40. While noting that the State party remains a source and transit country for migrants and refugees and with reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

- (a) Ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to the transfer of any asylum-seeking, refugee or migrant children;
- (b) Invest in a national information-management system for the protection of children;
- (c) Extend the basic services to areas from which large number of migrants originate, such as the department of Kantché in Zinder region;
- (d) Process cases involving unaccompanied asylum-seeking, refugee and migrant children in a positive, humane and expeditious manner and identify sustainable solutions for such children;
- (e) Facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin;
- (f) Operationalize the 1997 law on refugees by adopting the pending Presidential decree.

##### **Children in armed conflict**

41. The Committee notes that the State party has signed a protocol with the United Nations system to consider children associated with armed forces or groups as victims, but it is concerned that a number of children who lack birth certificates have been prosecuted as terrorists and remain in prison. The Committee is also concerned that a large number of children who were arrested in a military operation in the Lake Chad Basin remain in detention facilities, some together with adults. It is also concerned that children held in the Goudoumaria Centre following a demobilization campaign have no legal status and continue to await support.

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

- (a) **Improve its age-determination methods, in particular for persons suspected of being involved in armed conflict;**
- (b) **Treat children suspected of association with armed groups as children in need of protection;**
- (c) **Release and reintegrate the children held in the Goudoumaria Centre into society and provide them with all the necessary support.**

#### **Economic exploitation, including child labour**

43. The Committee welcomes the 2012 Labour Code and the 2017 decree prohibiting child labour. Nevertheless, it is seriously concerned that, despite the State party's efforts, child labour continues to be widespread, including in quarries and gold mines. The Committee is particularly concerned about forced begging by talibé children under the guardianship of Qur'anic schools and about child domestic workers who are exposed to long hours of work without any rest day and with little pay. Such children are often subjected to physical and verbal abuse and sometimes sexual abuse.

44. **The Committee urges the State party to:**

- (a) **Enforce its laws and implement its plans of action prohibiting child labour and allocate sufficient human, technical and financial resources for such purposes;**
- (b) **Eradicate the practice of forced begging by talibé children and bring perpetrators to justice;**
- (c) **Strictly regulate and enforce the law with regard to domestic work by children;**
- (d) **Strengthen labour inspectorates and monitoring mechanisms in the formal and informal sectors and make data on the number of inspections and violations publicly available;**
- (e) **Continue to raise awareness of the negative consequences of child labour through public education programmes and campaigns organized in cooperation with community leaders, families and the media;**
- (f) **Continue cooperation with the International Labour Organization with a view to establishing programmes to move children out of the worst forms of child labour and strengthen vocational education programmes for school dropouts and older children as alternatives to underage labour.**

#### **Children in street situations**

45. **In view of the reports of large numbers of children in street situations and with reference to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendation (CRC/C/NER/CO/2, para. 73) that the State party:**

- (a) **Undertake a systematic assessment of the situation of children in street situations in order to obtain an accurate picture of the root causes and magnitude of the phenomenon;**
- (b) **Develop and implement, with the active involvement of children in street situations themselves, a comprehensive policy to address the root causes of the phenomenon, define preventive and protective measures that establish annual targets to reduce the number of children in street situations, allocate the necessary resources and develop appropriate guidelines for the implementation of the policy by public services and non-governmental organizations;**
- (c) **Support family reunification programmes and other alternative care, provided that they are in the best interests of the child;**

(d) **Ensure that children in street situations 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 awareness-raising programmes in collaboration with traditional and religious leaders and parents to eliminate the practice of marabouts sending children to beg in the street.**

#### **Administration of juvenile justice**

46. The Committee welcomes legislative developments such as the 2017 Community Service Act, the 2014 Juvenile Courts Act and the 2011 Legal and Judicial Assistance Act. It is nevertheless concerned about:

(a) Insufficient legal representation of children and the low quality of existing legal representation;

(b) Inadequate training of the staff in the justice system;

(c) The absence of effective, reliable and up-to-date data on children in conflict with the law;

(d) The lack of coordination among social services, the justice sector and other relevant agencies;

(e) The lack of designated areas in police stations to detain children, in particular girls, separately from adults;

(f) The prolonged periods of pretrial detention of children suspected of involvement in armed groups;

(g) The absence of information on programmes for the reintegration of children released from prison;

(h) The lack of data and information on the children of detainees.

47. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout legal proceedings;**

(b) **Promote non-judicial measures, such as diversion, probation, mediation, counselling or community service, in the case of children accused of criminal offences and, wherever possible, use alternative measures at sentencing;**

(c) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its termination;**

(d) **In cases where detention is unavoidable, ensure that children are not detained together with adults and that detention conditions comply with international standards, including with regard to access to education and health services;**

(e) **Accelerate the procedures with regard to children in pretrial detention suspected of involvement with armed groups;**

(f) **Improve coordination among the justice sector, social services and other relevant services;**

(g) **Provide services for the reintegration of children released from prisons;**

(h) **Provide up-to-date data on children in conflict with the law and children of detainees disaggregated by age, sex, socioeconomic background, ethnic and national origin and geographical location.**

### **Child victims and witnesses of crime**

48. The Committee recommends that the State party allocate sufficient human technical and financial resources to the social centres for prevention, promotion and protection (CEPPP), which are responsible for the protection of child victims and witnesses of crime. It also recommends that the State party ensure that laws and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

#### **J. Ratification of the Optional Protocol to the Convention on a communications procedure**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

#### **K. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

51. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict, the report of which was overdue as of 2014.

#### **L. Cooperation with regional bodies**

52. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

53. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

54. The Committee recommends that the State party strengthen the interministerial committee mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

### C. Next report

55. The Committee invites the State party to submit its combined sixth and seventh reports by 20 October 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

56. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I, and General Assembly resolution 68/268, para. 16).

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