

### **COI QUERY**

<b>Country of Origin</b>	Niger
Title	Situation of women without support network in Niger
Reference period	January 2022 to July 2023
Topic(s)	1. <u>General situation of women in Niger</u>
	Prevalence of female headed households in Niger
	3. Societal attitudes towards single women living without a male relative
	4. Access for single women to housing and property, employment, financial resources, and public services including health, education, and social assistance
	5. Societal and state attitudes towards women perceived to have extramarital sexual relations
	6. Legislation on domestic violence including its enforcement in practice, and whether there are dedicated police units
Date of completion	14 August 2023
Query Code	Q24-2023
Contributing EU+ COI units (if applicable)	N/A



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### **COI QUERY RESPONSE – Niger**

#### Situation of women without a support network in Niger

#### 1. General situation of women in Niger

Concerning the general situation of women in Niger, the 2022 United States Agency for International Development (USAID) gender analysis report in Niger described that 'women are marginalized socially, politically, and economically', were not allowed to move freely and had to have permission to participate in activities outside of the house. The same source added that the fear of women's sexuality and beliefs on 'female purity', limited women's ability to have access to economic or educational opportunities and essential services, and to engage in activities in public spaces.<sup>1</sup>

The 2022 Amnesty International (AI) report on Niger, citing information from the Ministry for the Promotion of Women and Children, described that 76 % of girls were married before their 18<sup>th</sup> birthday and women were discriminated against by law and cultural practices.<sup>2</sup> Chatham House reported that Niger had the highest rate of child marriage and the highest fertility rate globally. The source added that three out of four girls were married before the age of 18 and 28 % before 15, the legal age of marriage for girls in Niger. By age 18, 45 % of girls were pregnant or had had a child.<sup>3</sup>

#### 2. Prevalence of female headed households in Niger

As reported in the 2022 USAID analysis on gender in Niger, under Niger's Civil Code, men were considered heads of the household.<sup>4</sup> However, the same report confirmed the presence of female headed households, in an excerpt concerning livestock production, which described that 37 % of female heads of households reported raising some livestock<sup>5</sup> and female headed households faced 'significant barriers in agricultural production'.<sup>6</sup>

The 2022 USAID gender analysis further described the 'gender roles' and 'power dynamics' in a Nigerien household. The husband, considered the head, 'controls most assets', whilst the wife is expected to 'obey and submit to their husbands' and raise children.<sup>7</sup>

According to the 2022 United States Department of State (USDOS) report on human rights practices in Niger, women do not have the same rights as men under family law. Furthermore,

<sup>&</sup>lt;sup>1</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 6

<sup>&</sup>lt;sup>2</sup> Al, Amnesty International Report 2022/2023 - Niger, 27 March 2023, url

<sup>&</sup>lt;sup>3</sup> Chatham House, Niger's need to improve the education of girls, 28 July 2021, url

<sup>&</sup>lt;sup>4</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 19

<sup>&</sup>lt;sup>5</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 52

<sup>&</sup>lt;sup>6</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 53

<sup>&</sup>lt;sup>7</sup> USAID, Niger Gender Analysis Report, 5 October 2022, <u>url</u>, p. 20



'customary law legal rights as head of household typically apply only to men' and a divorced or widowed woman, even with children, were not considered to be a head of household.<sup>8</sup> No further information could be found on prevalence of female headed households in Niger among the sources consulted by the EUAA within time constraints. The following information from prior to the reference period may be relevant.

A 2021 article by the United Nation's Children Fund (UNICEF) detailed the 'clear division' of roles between men and women within a marriage. Men are viewed as the 'main providers, both in financial and sexual terms', whilst women are 'valued for their role as procreators and household managers' and 'have to obey their husbands in every aspect of life'.<sup>9</sup>

In May 2020, Studio Kalangou, a local news source described that women's role were considered to be in the home, doing housework and caring for the children. It also stated that domestic violence was an issue amongst some women and society justified the violence through the means of marriage.<sup>10</sup>

A 2018 article from the online news journal the Conversation illustrated that 'as male-dominated as Niger may be, women still play a major role in society. They run their families, organise the household, and many operate small businesses to provide funds'.<sup>11</sup>

#### 3. Societal attitudes towards single women living without a male relative

The 2022 USAID gender analysis in Niger described that 'young, unmarried, and childless women, regardless of background, have less social status and power than women who are married and have children'.<sup>12</sup> The same report also portrayed that 'girls who have gone through puberty but have not yet had children are perceived as not yet adding value to the community. Instead, in their position between "girl" and "mother," they are viewed as posing a threat to the honor of the family'.<sup>13</sup> Furthermore, 'communities view young women who participate in community meetings as "disrespectful," particularly if they are unmarried—which is also reflected in women's participation in the private sector'.<sup>14</sup>

USAID further described that the presence of women and girls in public spaces with men who were not family members was 'seen as a risk to their sexual purity, their marriage value, and the family's honor', due to the societal beliefs that men 'cannot control their sexual impulses' and the 'fear that women, if given more autonomy, cannot control their sexuality'.<sup>15</sup>

No further information could be found on societal attitudes towards single women living without a male relative among the sources consulted by the EUAA within time constraints.

<sup>&</sup>lt;sup>8</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, url, p. 20

<sup>&</sup>lt;sup>9</sup> UNICEF, COVID-19: a threat to progress against child marriage in Niger, 29 April 2021, url

<sup>&</sup>lt;sup>10</sup> Studio Kalangou, Niger: les femmes victimes de violences conjugales, 15 May 2020, url

<sup>&</sup>lt;sup>11</sup> Conversation (The), How radio can help empower women in Niger, 27 July 2018, <u>url</u>

<sup>&</sup>lt;sup>12</sup> USAID, Niger Gender Analysis Report, 5 October 2022, <u>url</u>, p. 26

<sup>&</sup>lt;sup>13</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 26

<sup>&</sup>lt;sup>14</sup> Lepillez, Karine. 2019. Save the Children Niger Wadata Program: Gender and Youth Analysis. Save the Children, cited in: USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 44

<sup>&</sup>lt;sup>15</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 25



# 4. Access for single women to housing and property, employment, financial resources, and public services including health, education, and social assistance

With regards to employment, USDOS further stated that 'women reported that gender discrimination is common, and employers used religious texts stating, "men provide all that their families and wives need," to justify discrimination in hiring and pay'. Moreover, 'civil society organizations made credible reports men received higher pay than women for equal work, and that discrimination prevented women from equal access to land and resources'. Gender discrimination was 'worse in rural areas, where women helped with subsistence farming and did most of the childrearing, cooking, collecting water and woolgathering, and other work'. According to the same source, women had limited access to education, they were 'underrepresented' both in the workplace and at school and early marriage was widespread among women. 18

The United Nations Population Fund (UNFPA) in July 2022, described the level of gender equality in Niger as 'low' through its Gender Equality Index, a means of demonstrating levels of gender equality. The gaps in the Gender Equality Index were most apparent in the areas of reproductive health, empowerment, and economic activity of women. According to the index, 'Niger (0.642) is relatively far from the level of sub-Saharan Africa average (0.570)' and demonstrated women's 'poor access to reproductive health services and their low social status and lack of economic empowerment'. The same report cited that gender-based violence (GBV) and harmful practices (HP) were of great concern: 38.2 % of cases involved adolescent girls and young women. Sexual violence had a prevalence of 6.6 % and economic violence a prevalence of 2.8 %. The denial of opportunity for women due to economic violence was described as 'high' at 14.6 %.<sup>19</sup>

According to USAID, the perception of a women's sexuality in Niger 'greatly impede[s] women's and girls' ability to engage in the public space and the economy or to access educational opportunities and other essential services'.<sup>20</sup>

In an interview conducted by Human Rights Watch in August 2022 on young women's pregnancy and their access to education, Mariama Mamoudou Djibo, the program director of the NGO Femmes, Actions et Développement (ONG FAD), described that Nigerien society condemned women who become pregnant out of wedlock. This often led to forced marriages 'with no regard for the girl's right, wishes, or future'. Most girls were 'denied access to their education after pregnancy'.<sup>21</sup>

<sup>&</sup>lt;sup>16</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, url, p. 28

<sup>&</sup>lt;sup>17</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, <u>url</u>, p. 20

<sup>&</sup>lt;sup>18</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, <u>url</u>, p. 20

<sup>&</sup>lt;sup>19</sup> UNFPA . Country programme document for Niger, DP/FPA/CPD/NER/10, 5 July 2022, <u>url</u>, p. 2

<sup>&</sup>lt;sup>20</sup> USAID, Niger Gender Analysis Report, 5 October 2022, url, p. 25

<sup>&</sup>lt;sup>21</sup> Human Rights Watch, Interview: New Niger Order Protects Girls' Rights to Education, 30 August 2022, <u>url</u>



## 5. Societal and state attitudes towards women perceived to have extramarital sexual relations

Under Articles 286 to 289 of the Criminal Code of Niger, a married person who has sex outside of marriage commits an offence and faces a term of imprisonment of between 15 days to three months and/or a fine of 10,000-100,000 Francs. Article 289 added that 'the withdrawal of the offended spouse puts an end to the proceedings. Their pardon stops the effect of the conviction'.<sup>22</sup>

From an interview published in the 2022 USAID report on gender in Niger, it was noted that women who leave home, to engage in political or economic activities, 'may be labeled as prostitutes by both men and women'.<sup>23</sup>

Information on societal and state attitudes towards women perceived to have extramarital sexual relations was scarce amongst the sources consulted by the EUAA under time constraints. However, the following information from prior to the reference period may be relevant.

A 2020 study on gender-related topics in rural Niger, found that Nigerien men fear their wives would engage in extra-marital sex, if they were to migrate to work and if their wives were using contraceptive methods.<sup>24</sup> According to Studio Kalangou, adultery was viewed as going against the religious, customary, and cultural norms of Niger.<sup>25</sup> An online news journal further described in 2018 that many men did 'not allow their women' to leave the home or attend public events, as this 'carries the risk of them entering adulterous affairs'.<sup>26</sup>

# 6. Legislation on domestic violence including its enforcement in practice, and whether there are dedicated police units

The fifth periodic report submitted by Niger to the Committee on the Elimination of Discrimination against Women in March 2023, cited Niger's Criminal Code on domestic violence: 'sexual violence is addressed in the Criminal Code, primarily as indecent assault (arts. 277–281), rape (arts. 283 and 284), sexual harassment (art. 281.1), female genital mutilation (art. 232.1–3) and aggravated indecent assault and rape (art. 285)'. Moreover, according to the same source citing the Niger Criminal Code 'marital rape is not specifically defined in the Criminal Code. Article 283 of the text defines rape in a general manner, as

<sup>&</sup>lt;sup>22</sup> Niger, Code Penal et Code de Procedure Pénale, January 2018, url, p. 92

<sup>&</sup>lt;sup>23</sup> USAID, Niger Gender Analysis Report, 5 October 2022, <u>url</u>, p. 25

<sup>&</sup>lt;sup>24</sup> DeLong, Stephanie, Brooks, Mohamad, et al., Married very young adolescent girls in Niger at greatest risk of lifetime male partner reproductive coercion and sexual violence, 13 April 2020, PLoS ONE 15:4, <u>url</u>

<sup>&</sup>lt;sup>25</sup> Studio Kalangou, Le magazine du lundi 08/04/2019: poursuivre une personne pour adultère au Niger: éclairages de la magistrate Gogé Maimouna, 8 April 2019, <u>url</u>

<sup>&</sup>lt;sup>26</sup> Conversation (The), How radio can help empower women in Niger, 27 July 2018, <u>url</u>

<sup>&</sup>lt;sup>27</sup> UN, Committee on the Elimination of Discrimination against Women, Fifth periodic report submitted by the Niger under article 18 of the Convention, due in 2022, CEDAW/C/NER/5, 30 March 2023, <u>url</u>, para. 52; See also, Niger, Code Penal et Code de Procedure Pénale, January 2018, <u>url</u>



follows: "Any act of sexual penetration, whatever its nature, committed against another person using violence, coercion, threat or surprise, constitutes rape".<sup>28</sup>

The 2022 USDOS report on human rights practices in Niger described that 'the law criminalizes rape' and that 'it was rarely enforced'.<sup>29</sup> Moreover, 'conviction of rape is punishable by 10 to 30 years in prison, depending on the circumstances and age of the survivor. Rape was a widespread problem, and stigmatization of survivors continued. The law does not explicitly recognize spousal rape, and authorities seldom prosecuted it. Cultural views discounted spousal rape'.<sup>30</sup> Concerning victims of rape, the source further described that 'survivors often sought to deal with rape within the family or were pressured to do so, and many survivors did not report spousal rape due to fear of retribution, including loss of economic support. Charges stemming from family disputes often were dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or formal courts, few did so due to ignorance of the law and fear of spousal or familial repudiation'.<sup>31</sup>

USDOS also reported that, 'sexual harassment was widespread. Cultural attitudes influenced women's perception of what is harassment and encouraged acceptance. Cases were rarely reported, but when they were, courts enforced applicable laws'. Covering domestic violence, USDOS reported that 'the law does not explicitly prohibit domestic violence, and local NGOs reported violence against women was widespread. Husbands commonly beat their wives. A woman may sue her husband or file criminal charges for battery. Penalties for conviction range from two months in prison and a token fine to 30 years' imprisonment. The government tried with limited success to enforce this law, and courts prosecuted cases of domestic violence when they received complaints'. Sa

According to the 2023 Freedom House report, 'although the 2010 constitution prohibits gender discrimination, women suffer widespread discrimination in practice. The application of the law by customary courts often discriminates against women'. Freedom House further affirmed that 'penalties for rape are heavy, but societal attitudes and victims' fears of retribution discourage reporting, and when rape is reported it is often poorly investigated. Domestic violence is not explicitly criminalized, though women may lodge criminal allegations of battery against partners. Some cases have resulted in convictions, but reporting is similarly discouraged in practice'. <sup>35</sup>

<sup>&</sup>lt;sup>28</sup> UN, Committee on the Elimination of Discrimination against Women, Fifth periodic report submitted by the Niger under article 18 of the Convention, due in 2022, CEDAW/C/NER/5, 30 March 2023, <u>url</u>, para. 53; Niger, Code Penal et Code de Procedure Pénale, January 2018, <u>url</u>

<sup>&</sup>lt;sup>29</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, <u>url</u>, p. 17

<sup>&</sup>lt;sup>30</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, url, p. 17

<sup>&</sup>lt;sup>31</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, <u>url</u>, p. 17

<sup>&</sup>lt;sup>32</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, <u>url</u>, p. 18

<sup>33</sup> USDOS, Country Report on Human Rights Practices for 2022 – Niger, 20 March 2023, url, p. 17

<sup>&</sup>lt;sup>34</sup> Freedom House, Freedom in the World 2023 – Niger, 9 March 2023, url

 $<sup>^{35}</sup>$  Freedom House, Freedom in the World 2023 – Niger, 9 March 2023,  $\underline{\text{url}}$ 



The Division for the Protection of Minors and Women of the National Police (la Division de la Protection des Mineurs et des Femmes [DPMF])<sup>36</sup> is a service attached to the public security directorate of the national police, tasked to provide services and protection of vulnerable people, particularly minors and women.<sup>37</sup> No further information on the objectives or activities of the DPMF could be found among the sources consulted by EUAA within time constraints.

The 2022 USAID gender analysis in Niger, described that most gender-based violence (GBV) survivors who have 'the courage and support to bring a formal complaint of GBV to relevant authorities are forced to withdraw it, often to have the issue "resolved" informally between families. More generally, it is too costly, both financially and socially, for survivors of GBV (especially sexual violence) to seek justice'. Moreover, an interview conducted for the analysis, illustrated that 'it is very difficult for women to go in front of a tribunal because of the prejudices they would encounter—for example, if a woman is raped and she goes before a tribunal, they will ask her what she did to deserve it or attract it'.<sup>38</sup>

No further information could be found on legislation on domestic violence among the sources consulted by EUAA within time constraints. However, the following information before the reference period of this query may be relevant.

According to an article from February 2021 by Spotlight Initiative, '120 complaints were filed in March 2020 with the Division for the Protection of Minors and Women of the National Police (DPMF)'. The same source described that 'violence against women and girls is often normalized. Six in ten Nigerien women (59.6%) find it justified for a man to beat his wife, according to the Niger Demographic and Health Survey. In Niger's penal code, domestic violence is classified and treated as assault and battery rather than as a specific offense. As a result, marriage is often perceived as a mitigating factor in cases of abuse'.<sup>39</sup>

A local news source in July 2020 reported that, in Niger, 'the issue of rape mainly implicates the woman'. The source added that society would often place the blame on the victim and would be prejudiced against them and that this mindset discouraged women and girls from making a complaint.<sup>40</sup>

<sup>&</sup>lt;sup>36</sup> Niger, Direction Generale de la Police Nationale, 1 October 2022, <u>url</u>; Spotlight Initiative, Country Programme Document – Niger, December 2018, <u>url</u>, p. 67

<sup>&</sup>lt;sup>37</sup> Studio Kalangou, Fonctionnement de la division de la protection des mineurs et des femmes, 27 February 2023,

<sup>&</sup>lt;sup>38</sup> USAID, Niger Gender Analysis Report, 5 October 2022, <u>url</u>, p. 31

<sup>&</sup>lt;sup>39</sup> Spotlight Initiative, Violence and control in lockdown: more support needed for women and girls in Niger, 19 February 2021, <u>url</u>

<sup>&</sup>lt;sup>40</sup> Studio Kalangou, Le viol au Niger: comment lever le tabou?, 20 July 2020, url



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#### ADDITIONAL SOURCES CONSULTED

Africa News; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); Asylum Research Center (ARC); Deutsche Welle (DW); Immigration and Refugee Board of Canada (IRB); ECOI.net; European Union – EUAA COI Portal; Refworld; United Nations High Commissioner for Refugees (UNHCR); United States Institute of Peace (USIP)

The following oral sources were contacted but did not respond within time constraints: Alternative Espaces Citoyens (AEC), Association des Femme Juristes du Niger, CARE-Niger, Cellule Nigerienne des Jeunes Filles Leaders (CNJFL), Human Rights Watch, International Organization for Migration (IOM)-Niger, Médecins Sans Frontières (MSF) West & Central Africa, Norwegian Refugee Council-Niger, United Nations' Children Fund (UNICEF)-Niger, Women in Law and Development in Africa.