

Country	Niger
SIGI 2019 Category	N/A
SIGI Value 2019	N/A

Discrimination in the family		84%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	62%
	Legal framework on household responsibilities	75%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	100%
	Legal framework on divorce	100%

Restricted physical integrity		N/A
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	60%
	Prevalence of domestic violence against women (lifetime)	-
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	6%
	Share of women who have undergone FGM	2%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	75%
	Female population with unmet needs for family planning	21%

Restricted access to productive and financial resources		N/A
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	28%
	Share of managers (male)	-
	Legal framework on access to non-land assets	75%
	Share of house owners (male)	80%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	100%
	Share of account holders (male)	60%

Restricted civil liberties		26%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	47%
	Legal framework on political participation	25%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	83%
	Legal framework on access to justice	75%
	Share of women declaring lack of confidence in the justice system	42%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

There are three sources of law recognised in Niger, namely the public law, the Islamic law and the customary law (CEDAW, 2007). Customary law remains the best known and most frequently applied legal source and it has an important influence on family life in Niger (Lagoutte, 2014). According to Law 2004-050 defining the organisation and competence of jurisdictions in the Republic of Niger, customary laws must conform not only to the laws which secure public order and the freedom of the people, but also to any properly ratified treaties or international agreements, as well as to the Constitution (Law 2004-050, Art. 63). However, discriminatory practices in the areas of marriage, family life and divorce persist and various attempts to adopt a Family Code have failed (Lagoutte, 2014). The most recent process for the preparation of a Personal Status Code that intends to put an end to legal pluralism and regulate family relations in Niger was launched in 2005 (CEDAW, 2015). A draft of the code was drawn up in 2010, taking into account regulations of Islamic and customary law as well as international agreements ratified by Niger (CEDAW, 2015). However, the draft document was only validated but not adopted, due to resistance of certain groups of the society (CEDAW, 2015).

1. Discrimination in the family

a) Overarching legal framework for marriage

The law mandates that a marriage must be based on the consent of both partners (Civil Code, Art. 146). The law stipulates that all marriages be officially registered before the civil registrar (Civil Code, Art. 165-169). It imposes monetary fines if a marriage is not registered (Civil Code, Art. 192 and 193). However, most marriages in Niger are celebrated under customary law and not registered before the civil registrar (Cooper, 2010). Besides civil marriage, the law also allows for the registration of customary marriage and Islamic marriage (Civil Code, Art. 63, 165-169). The law does not regulate informal or de-facto unions.

b) Child marriage

The legal age of marriage in Niger is 21 years old for girls and boys (Civil Code, Art. 144, 148 and 158); however, with the consent of their parents, girls can marry at the age of 15 and boys at the age of 18 years (Civil Code, Art. 144). Underage marriage without the consent of the parents can only be challenged by the parents or by the underage spouse within one year after marriage (Civil Code, Art. 182 and 183). In many cases, the people are unaware of the legal age of marriage or do not consider it as relevant when a marriage is celebrated under customary or Islamic law (Cooper, 2010).

In August 2016, the Ministry for the Promotion of Women and Child Protection set up a national committee to coordinate actions to end child marriage (Comité National de Coordination des Actions visant à mettre fin aux mariages des enfants) (Republic of Niger, 2016). The committee aims to end child marriage in Niger by harmonising nationwide measures against child marriage and elaborating a multi-sector and multi-actor action plan against the practice (Republic of Niger, 2016).

c) Household responsibilities

Under the Civil Law system, men are the heads of the household (Civil Code, Art. 213). Women can

only assume the role of heads of the household under specific conditions such as absence of their husband (Civil Code, Art. 213). The Civil Code stipulates that husband and wife have to assist and help each other mutually (Civil Code, Art. 212). There is no provision in the Civil Code that obliges women to obey their husband.

Parental authority is shared between husband and wife; they are both expected to ensure the moral and material support of the family, including raising the children (Civil Code, Art. 213). The Constitution states that parents have the right and duty to raise, educate and protect their children (Constitution, Art. 23). Unmarried women and men can freely choose their domicile once they reach the age of majority, but married women should live where their husbands have decided (Civil Code, Art. 125). Married women who leave their home for more than three months without indicating acceptable reasons can be punished with imprisonment and/or fines, while the time limit for husbands leaving the household without acceptable reasons is one year (Penal Code, Art. 260).

Under customary law, a divorced or widowed woman, even with children, is not entitled to be the head of the household (U.S. Department of State, 2016).

d) Divorce

A draft Family Code covering different family matters including divorce was completed in 1993; however, this law has still not been adopted (Lagoutte, 2014). In the absence of the family code, customary law is supposed to govern divorce (Musawah, n.d.). The application of customary law is very common, as most marriages are celebrated under this system of law (Lagoutte, 2014). The most common form of divorce is repudiation, which is a unilateral dissolution of the marriage by the husband (Nigerien Ministry of Justice, n.d.). Under customary law, women often lose custody of their children in the event of divorce or repudiation (Maiga, 2011). The dominant customary law states that the guardianship of children is entitled to the fathers and that this right can be taken away from their mothers, which can occur before the child reaches the age of seven (Lagoutte, 2014; Maiga, 2011). In case of divorce by repudiation that is not legally recorded, a woman risks to lose assets acquired or produced during marriage and may be unable to recover debts from her ex-husband (Lagoutte, 2014).

e) Inheritance

The legislation does not clearly regulate inheritance issues (RECA Niger, 2016). Article 63 of Law 2004-050 defining the organisation and competence of jurisdictions in the Republic of Niger stipulates that the questions regarding inheritance should be governed by customary law. According to customary law, women cannot inherit land, and under Islamic Law, they only inherit half the share of an equivalently positioned male family member (RECA Niger, 2016). Widows are often victims of “property grabbing” by her deceased husband’s male relatives (FAO, 2017).

2. Restricted Physical integrity

a) Violence against women

Niger has not ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol) (African Commission on Human and People’s Rights, 2017). There is no specific law addressing violence against women. The National Gender Policy introduced in

2008 supports the implementation of the existing legislation that addresses gender-based violence and furthermore includes measures to strengthen equality of men and women in family and economic life (UN Women, 2016). The implementation plan of the Policy covering the period 2009-2019 includes measurable indicators and targets for its implementation (Republic of Niger, 2009).

b) Domestic violence

There is no specific law that protects women from domestic violence. However, perpetrators of domestic violence are punishable for 3 months to 30 years of imprisonment and a fine of CFA 10 000 (CFA Franc) (Penal Code, Art. 222).

Women have the right to seek redress for domestic violence in formal or customary courts, but in most cases, they do not report the violence because they are unaware of these rights and afraid of further violence or stigmatisation (U.S. Department of State, 2016). In addition, women do not have the same access to legal redress if they report violence in customary courts (U.S. Department of State, 2016).

c) Rape

Rape is defined as any act of forced sexual penetration committed on another person by violence, constraint, threat or surprise (Penal code, Art. 283). It is considered a criminal offense and is punished with imprisonment of 10 to 20 years (Penal Code, Art. 283 and 284). There are no reduced sentences if the perpetrator marries the victim (Penal Code, Art. 283 and 284). The definition of rape does not cover marital rape; however, the Penal Code states that “whoever commits the rape” will be punished (Penal Code, Art. 284). Due to women’s fear or shame, most rape cases remain unreported and marital rape is often resolved within the family (UNFPA Niger, n.d.; U.S. Department of State, 2015).

d) Sexual harassment

Sexual harassment is punishable for imprisonment of 3 to 6 months and a fine of CFA 10 000 to 100 000, or imprisonment of 3 months to one year and a fine of CFA 20 000 to 200 000 if the violator is in a position of authority over the victim (Penal Code, Art. 281.1). The definition of sexual harassment covers sexual harassment in the workplace (Labour Code, Art. 45).

e) Female genital mutilation

Female genital mutilation (FGM) is considered a criminal offense under the Penal Code (Art. 232.2). A person who performs FGM is punished with up to three years in prison (Penal Code, Art. 232.2). If the victim dies during the procedure of the genital mutilation, the sentence is raised to 10 to 20 years of imprisonment (Penal Code, Art. 232.2). The law does not however cover criminal penalties for specific cases of FGM practitioners, including the medical practitioners, the parents or other practitioners.

f) Abortion

Abortion is criminalised (Penal Code, Art. 295). Women who seek an abortion are punished with imprisonment of 6 months to 2 years and a fine of CFA 20 000 to 200 000 (Penal Code, Art. 295). Whoever performs an abortion on a pregnant woman, whether with or without her consent, is sentenced to imprisonment of one to five years and a fine of CFA 50 000 to 500 000. If the person performing the abortion is a doctor, a nurse, a dentist or any other medical practitioner, he or she is

banned from his profession for five years (Penal Code, Art. 295). Legal abortion is however permitted if the woman's life and physical health are in danger or in cases of foetal impairment (Law on Health and Reproduction, Art. 16).

The criminalisation of abortion conflicts with the provisions in Law on Health and Reproduction, which state that couples and individuals have the right to decide if, when and how many children they want to have and to manage their reproductive health free from discrimination (Law on health and reproduction, Art. 2 and 3). Reproductive autonomy of women in Niger remains limited: many women lack the information and means to claim their reproductive rights (CEDAW, 2016).

Contraception is authorised in Niger (Law on Health and Reproduction, Art. 15). The government aims to increase the percentage of women using a contraceptive method to 50% in 2020 by implementing the [Action Plan on Family Planning 2012-2020](#) (Republic of Niger, 2012a). Men and religious leaders are less resistant to family planning than before (Health Policy Project, 2013).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Regarding asset to land assets, the law mandates women's same rights as men to own, use, make decisions and use land as collateral (Constitution, Art. 17; Rural Code, Art. 4). However, women's access to land in practice is very limited, as land tenure and inheritance is mainly dealt with under customary law, which does not allow women to inherit and own land (RECA Niger, 2016). Under customary law, women are often granted a usufruct (the right to use and derive income) from the land plots of their husbands or other male family members (RECA Niger, 2016). However, the land can be taken away from them at any given time, leaving them in a vulnerable position (RECA Niger, 2016). Women who cultivate land on a usufruct basis are generally given the poorest pieces of land and struggle to increase their lands production because of their limited access to information and equipment (The Mary Robinson Foundation, 2013). Women's land rights are further restricted because of pressure on land caused by population growth (RECA Niger, 2016).

The national initiative "3N - Nigeriens feed Nigeriens" ("Les Nigériens nourrissent les Nigériens") aims to strengthen food security and sustainable agricultural production in Niger until 2035 (Republic of Niger, 2012b). The initiative includes specific activities to improve women's access to land, farming equipment and knowledge (Republic of Niger, 2012b). The National Plan for Economic and Social Development (Plan de Développement Economique et Social) includes measures to raise women's legal literacy to support the achievement of the goals of the 3N initiative (Republic of Niger, 2012c). The Nigerien Rural Code provides for joint land titling, not distinguishing between married couples and informal unions (Decree N° 97-367/PRN/MAG/E defining land rights registration procedures, Art. 4).

Regarding access to non-land assets, married women have the right to acquire and manage their own assets and goods (Civil Code, Art. 224). However, the law stipulates that husbands have the right to manage and administer the family's belongings without asking their wives (Civil Code, Art. 1421). Under customary law, the husbands, in their role as head of the household, administer property belonging to their wives (U.S. Department of State, 2016). Furthermore, the law mandates that the

father administer property belonging to his underage sons and daughters (Civil Code, Art. 389 and 545).

b) Secure access to formal financial resources

Unmarried women who have reached the age of majority (21 years) have the same rights as men to register their own business (Commercial Code, Art. 3). They are also entitled the equal rights to obtain credit (including bank loans) and open a bank account (Civil Code, Art. 1123). However, married women cannot open a bank account in the same way as a man (Civil Code, Arts. 221 and 222). The law only allows women to open a bank account for their household if the bank first notifies the husband (Civil Code, Arts. 221 and 222). Under customary law, as men are recognised to be the head of the household; women need the permission of their husbands to make any decision, including those to open a bank account and obtain credit (Maiga, 2011).

The National Gender Policy ten-year implementation plan (2009-2018) includes specific measures to promote women's access to financial services, such as capacity building for financial management and the creation of financial services for women (Republic of Niger, 2009).

c) Workplace rights

The law mandates non-discrimination on the basis of sex in employment (Labour Code, Art. 5). It also requires equal pay for equal work (Labour Code, Art. 158). However, women are prohibited from entering professions that might compromise their reproductive capacity (Labour Code, Art. 109). Additionally, married women need their husbands consent for pursuing their own profession (Civil Code, Art. 223). In practice, the government has not adopted regulations to implement the Labour Code nor taken actions to prevent or prosecute employment discrimination (U.S. Department of State, 2016).

Female employees are entitled to 14 weeks of paid maternity leave (Labour Code, Art. 111). The salary received during maternity leave is at 50% of normal salary, which is paid by the government (Labour Code, Art. 112). The law does not mandate paid paternity leave and parental leave.

4. Restricted Civil liberties

a) Citizenship rights

The law provides women with the same rights as men to acquire, change or retain nationality and to confer nationality to their children (Nationality Code, Art. 13, 34, 35 and 11). Since the adoption of the new Nationality Code in 2014, women also have the same rights as men to confer nationality to their spouse (Nationality Code, Art. 13). Women and men have the same rights to register the birth of their children (Ordonnance 89-005, Art. 26). The law also mandates women's equal rights for freedom of movement as men (Constitution, Art. 32).

b) Voting

No legal restriction on women's rights to vote could be located.

c) Political voice

Since 2000, a quota law has been in place, which mandated that the proportion of elected candidates of either sex should not be lower than 10% in parliamentary and local election (Law 2000/08, Art. 3). In 2014, an amendment of Law 2000/08 raised the quota to 15% (UNESCO, n.d.). The National Gender Policy implementation plan contains specific objectives to promote women's political participation (Republic of Niger, 2009).

Despite all these efforts, predominant gender stereotypes often prevent women from active political participation (Sherif, 2013). Many women are still not aware of their right to participate in decision-making or they see themselves as lacking the necessary skills to perform well in politics (Sherif, 2013). Political participation of women in Niger therefore remains limited (Sherif, 2013).

d) Access to justice

The law mandates women's equal access to justice as men (Constitution, Art. 8). The principle of equality governs the procedures to be followed before the courts, whether they rule on civil, commercial, criminal or customary matters (Constitution, Art. 8). Women have the same rights as men to sue and to be sued (Constitution, Art. 117).

Women's access to legal services remains limited because many women are not aware of their rights and/or cannot afford legal procedures. In 2011, the National Legal and Judicial Assistance Agency (ANAJJ) was created, which provides legal and judicial support for vulnerable persons as well as for individuals without the necessary resources to pay the legal costs at each of the country's district courts (CEDAW, 2015). Nevertheless, the different law systems (civil, Islamic and customary) that are in force lead to legal uncertainties and discrimination in judicial processes in Niger (U.S. Department of State, 2016).

African Commission on Human and People's Rights (2017), Ratification Table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, www.achpr.org/instruments/women-protocol/ratification/ (accessed 14 March 2017).

CEDAW (2007), *Concluding comments of the Committee on the Elimination of Discrimination against Women: Niger*, Committee on the Elimination of Discrimination against Women, New York, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/376/02/PDF/N0737602.pdf?OpenElement> (accessed 9 March 2017).

CEDAW (2015), *Consideration of reports submitted by States parties under article 18 of the Convention, Combined third and fourth periodic reports of States parties due in 2012, Niger*, Committee on the Elimination of Discrimination against Women CEDAW, New York, <http://undocs.org/CEDAW/C/NER/3-4> (accessed 16 March 2017).

Civil Code (2005),
http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Niger/niger_civilcode_2005_fr.pdf

Commercial Code (1995),
http://www.afd.fr/webdav/shared/PORTAILS/SECTEURS/GENRE/pdf/Niger_ProfilGenre.pdf

Constitution (2010), https://www.constituteproject.org/constitution/Niger_2010?lang=en

Cooper, Barbara M. (2010), *Secular States, Muslim Law and Islamic Religious Culture: Gender Implications of Legal Struggles in Hybrid Legal Systems in Contemporary West Africa*, Droit et cultures, Paris, <http://droitcultures.revues.org/1982> (accessed 13 March 2017).

FAO (2017), Gender and Land Rights Database Niger, www.fao.org/gender-landrights-database/country-profiles/countries-list/customary-law/en/?country_iso3=NER (accessed 13 March 2017).

Health Policy Project (2013), *Repositioning Family Planning in Niger*, Health Policy Project and USAID, Washington, https://www.healthpolicyproject.com/ns/docs/Niger_WestAfricaBriefs_Final.pdf (accessed 15 March 2017)

Labour Code (2012),
<https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91382/105953/F1917393249/NER-91382.pdf>

Lagoutte, S. (2014), *Dissolution of Marriage, Legal Pluralism and Women's Rights in Francophone West Africa*, Danish Institute for Human Rights, Bamako, Dakar, Niamey and Copenhagen, www.humanrights.dk/files/media/billeder/nyheder/engelsk_version.pdf (accessed 13 March 2017)

Law on health and reproduction (2006), <http://srhr.org/abortion-policies/documents/countries/02-Niger-Reproductive-Health-Law-2006.pdf#page=5>

Loi 2004-50 du 22 Juillet 2004 fixant l'organisation et la compétence des juridictions en République du Niger, http://www.coderural-niger.net/IMG/pdf/10-Loi_N2004-050_fixant_organisation_et_comptence_des_juridictions.pdf

Loi 2000-08 du 07 juin 2000 instituant un système de quota dans les fonctions électives, au Gouvernement et dans l'administration de l'État, https://www.memoireonline.com/07/09/2237/m_Leffectivite-des-droits-politiques-de-la-femme-sous-la-Ve-Republique-au-Niger5.html

Maiga, D. (2011), *Genre et Migration au Niger [Gender and Migration in Niger]*, CARIM AS, 2001-08, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, http://cadmus.eui.eu/bitstream/handle/1814/15593/CARIM_ASN_2011_08.pdf (accessed 3 April 2017)

Musawah (n.d.), Home Truths: A Global Report on Equality in the Muslim Family – Niger, <http://www.musawah.org/sites/default/files/Niger-Home%20Truths-EN.pdf> (accessed 2 November 2017)

Nationality Code (2014), <http://www.refworld.org/docid/4bbeee8e2.html>

Nigerien Ministry of Justice (n.d.), Le divorce et la répudiation [divorce and repudiation] <http://www.justice.gouv.ne/?q=node/93> (accessed 3 April 2017).

Ordonnance 89-005 du 29 mars 1985, <http://recef.org/wp-content/plugins/cpt-bibliotheque/telecharger.php?id=1228>

Penal Code (2004), http://www.vertic.org/media/National%20Legislation/Niger/NE_Code_Penal.pdf

RECA Niger (2016), *L'accès des femmes et des jeunes au foncier [Access of young people and women to land property]*, Réseau National des Chambres d'Agriculture du Niger, Niamey, www.reca-niger.org/IMG/pdf/2016-01_Droit_foncier_des_femmes.pdf (accessed 06 March 2017).

Republic of Niger (2016), Arrete 029 portant création, attributions, composition et fonctionnement d'un Comité National de Coordination des Actions visant à metre fin au mariage des enfants au Niger [Decree of the creation of a National Committee on ending child marriage], www.girlsnotbrides.org/wp-content/uploads/2017/03/Niger-Arreté-Ministère.pdf (accessed 13 March 2017).

Republic of Niger (2009), *Plan décennal de la mise en oeuvre de la politique nationale du genre [Ten-year implementation-plan of the National Gender Policy]*, Republic of Niger, Niamey, <http://www.mpatdc.gouv.ne/images/stories/PDESPS/PDPNG20092018.pdf> (accessed 14 March 2017).

Republic of Niger (2012a), *Family Planning in Niger, 2012 – 2020 Action Plan*, Republic of Niger, Ministry of Public Health, Niamey, http://ec2-54-210-230-186.compute-1.amazonaws.com/wp-content/uploads/2014/02/Niger_National_Family_Planning_Plan_English.pdf (accessed 15 March 2017).

Republic of Niger (2012b), *Initiative 3N pour la sécurité alimentaire et nutritionnelle et le développement agricole durables [Initiative 3N for food security and sustainable agricultural*

development], Commissioner for the 3N Initiative, Niamey, http://www.reca-niger.org/IMG/pdf/STRATEGIE_ADOPTE-18_AVRIL2012_VF.pdf (accessed 4 April 2017).

Republic of Niger (2012c), *Plan de Développement Economique et Social 2012-2015 [National Plan for Economic and Social Development]*, Ministry of Territory Planning and Community Development, Niamey, http://www.mpatdc.gouv.ne/index.php?option=com_content&view=article&id=22&Itemid=29 (accessed 4 April 2017).

Sherif, E. (2013), *Women's Political Participation in the Sahel Region*, Centre for Humanitarian Dialogue, Geneva, www.hdcentre.org/wp-content/uploads/2016/08/La-participation-politique-English.pdf (accessed 16 March 2017).

The Mary Robinson Foundation (2013), *Women's Land Rights in a changing climate: A case study from Maradi, Niger*, Mary Robinson Foundation, Dublin, <http://www.mrfcj.org/pdf/case-studies/2013-04-16-Niger.pdf> (accessed on 4 April 2017).

UNESCO (n.d.), Niger 2018 Report, <https://fr.unesco.org/creativity/governance/periodic-reports/2018/niger> (accessed 5 November 2018).

UN Women (2016), Global Database on Violence against Women, www.evaw-global-database.unwomen.org/en/countries/africa/niger/2008/politique-nationale-genre--2008- (accessed 14 March 2014).

UNFPA Niger (n.d.), Femmes victimes de violences [Women victims of violence], <http://niger.unfpa.org/genre-violence.htm> (accessed 3 April 2017).

U.S. Department of State (2016), *Country Reports on Human Rights Practices for 2016: Niger*, U.S. Department of State, Washington, www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265286# (accessed on 9 March 2017).

U.S. Department of State (2015), *Country Reports on Human Rights Practices for 2015: Niger*, U.S. Department of State, Washington, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252713> (accessed on 9 March 2017).

World Bank Group (2012), Contraceptive Prevalence, any methods (% of women ages 15-49), <http://data.worldbank.org/indicator/SP.DYN.CONU.ZS> (accessed 4 April 2017).