

Ending family violence in Niger – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women Pre-Sessional Working Group from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), August 2016

Introduction: family violence in Niger and CEDAW’s examination of the third/fourth state party report

Niger’s report to CEDAW refers to various measures taken to combat gender-based violence. However, it does not acknowledge that the most common form of violence against girls – violent punishment – remains lawful in their homes and other settings of their lives. Although the Government of Niger has expressed a commitment to prohibiting violent punishment of children in the family by accepting a UPR recommendation on the issue, so far prohibition has not been enacted, and violence against children in the domestic setting inflicted in the name of “discipline” continues to occur lawfully and with social approval.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its list of issues and subsequent examination of Niger. In particular, we hope the Committee will:

- **in its list of issues, ask Niger what progress is being made towards ensuring that legal protection from violence in the domestic setting is afforded to girls and boys as well as to women and men, including through the prohibition and elimination of all violent punishment, and**
- **in its concluding observations on the state party report, recommend that Niger ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit all forms of domestic violence against all family members, including all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. The current law relating to corporal punishment of children in Niger
2. A short summary of research revealing the prevalence of violent punishment of children in the family home
3. Treaty body recommendations on the issue made to Niger to date.

1 Laws on violent punishment of girls and boys in Niger

Summary

1.1 Violent punishment of children remains lawful in Niger in the family home and other settings of their lives. The Government is committed to prohibiting corporal punishment, having accepted a UPR recommendation on the issue. The draft Children's Code which is under discussion would prohibit all corporal punishment.

Detail

1.2 Provisions against violence and abuse in the Constitution 2010, the Criminal Code 1961 and Act No. 62-11 1962 are not interpreted as prohibiting all corporal punishment of children. Drafting of a Family Code began in 1976 but no new Code has yet been adopted.

1.3 In 2011, the Government indicated its commitment to enacting prohibiting legislation by clearly accepting a recommendation made during the Universal Periodic Review of Niger to implement the recommendations of the Committee on the Rights of the Child concerning corporal punishment (see section 3 below). In August 2013, the Council of Ministers adopted the Draft Decree Adopting the Child Protection Framework Document which establishes national goals and strategies for strengthening protection of children against violence: we have not been able to establish whether this provides for the enactment of legislation prohibiting all corporal punishment of children.

1.4 A draft Children's Code is under discussion that would prohibit corporal punishment in all settings including the home. Article 256, in the chapter on the right of the child to health, states (unofficial translation): "Every child has the right not to be subjected to torture, cruel, inhuman or degrading treatment or any other form of violence and abuse particularly harmful traditional practices, including corporal punishment." Article 453, in the section on protection from abuse in the family, states: "Physical and psychological abuse, corporal punishment and deliberate neglect are liable to the penalties in paragraph 1 of article 452 above." The article referred to (art. 452) punishes violence, including mild and repeated violence.

1.5 Protecting children from violent punishment in the home and other care settings in Niger requires clear prohibition of all corporal punishment.

2 Research revealing the prevalence of violent punishment of children in the family home

2.1 According to UNICEF statistics collected between 2005 and 2013, 82% of children aged 2-14 experienced "violent discipline" (physical punishment and/or psychological aggression) in the home in the month prior to the survey. Two thirds (66%) experienced physical punishment and 77% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). A smaller percentage (45%) of mothers and caregivers thought that physical punishment was necessary in childrearing.¹

3 Recommendations by human right treaty monitoring bodies

3.1 The Committee on the Rights of the Child has twice recommended to Niger that corporal punishment of children be prohibited in all settings including the home – in its concluding observations on the initial state party report in 2002² and on the second report in 2009.³

¹ UNICEF (2014), *Hidden in Plain Sight: A statistical analysis of violence against children*, NY: UNICEF

² 13 June 2002, CRC/C/15/Add.179, Concluding observations on initial report, paras. 44 and 45

³ 18 June 2009, CRC/C/NER/CO/2, Concluding observations on second report, paras. 5, 6, 37 and 38

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