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Freedom House

Freedom in the World 2019 - Niger

Partly Free

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Overview:

The current regime in Niger was democratically elected in 2011 and reelected in 2016 in a polling process plagued by serious irregularities. The struggle to meet security challenges posed by active militant groups has served as an alibi for the government to restrict civil liberties. Security, transparency, economic prosperity, and gender equality are limited.

Key Developments:

Key Developments in 2018:

- In October, opposition parties sent delegates to the National Committee for Political Dialogue (CNDP), a framework for discussing issues related to the formation of the electoral commission and revision of the electoral code. While the move ended a nearly two-year-long opposition boycott of political dialogue with the government, the thaw was short-lived: they again suspended participation in November.
- In March, police responded violently to a protest by civil society organizations in response to increased taxes on housing and electricity. Dozens of activists were arrested, with some imprisoned for months. In April, a number of civil society leaders were arrested in connection with their involvement in the protest movement.
- The security situation in Niger remained fragile. Some jihadist attacks took place in Diffa and northern Tillabéri, while a reliance on nonstate armed groups for counterterrorism operations has inflamed intercommunal tensions around the Niger-Mali border, leading to instances of violence. Increased attacks by jihadist groups on the Burkina Faso border have prompted concerns about the potential for a new jihadist hotspot in that area.
- In April, opposition leader Hama Amadou lost his appeal of a one-year prison sentence handed down in 2017 upon his conviction of involvement in a baby-trafficking operation. In June, Amadou, who lives in exile in France, was removed from his seat in the National Assembly.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 20 / 40

A. ELECTORAL PROCESS: 6 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4

The president is directly elected to up to two five-year terms. President Mahamadou Issoufou was reelected for a second term in 2016. The elections took place in a context of political tension, as Amadou, Issoufou's most significant challenger, was jailed during the entire electoral process, accused of involvement in a baby-trafficking scandal. The elections themselves were plagued with irregularities including vote buying, underage voting, and rigging of election results.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

There are 171 seats in the unicameral National Assembly, 158 of which are directly elected from 8 multimember constituencies; 8 which are reserved for minority representatives, who are elected directly from special single-seat constituencies; and 5 that are reserved for Nigeriens living abroad.

In the 2016 polls, Issoufou's Party for Democracy and Socialism (PNDS) won 75 seats in the 171-seat legislature, while Amadou's Nigerien Democratic Movement for an African Federation (MODEN/FA) won 25 seats, and former prime minister Seini Oumarou's National Movement for a Developing Society (MNSD) took 20 seats. Thirteen smaller parties divided the remaining seats. The elections took place as several opposition candidates were held in prison after being accused of involvement in a foiled coup attempt, or participation in unauthorized protests. The polls, held concurrently with the year's presidential election, were plagued by similar irregularities.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The electoral code offers a framework for fair elections. However, the opposition, pointing to reports of widespread irregularities in the 2016 polls, among other issues, has cast doubt over the impartiality and capacity of the Independent National Electoral Commission (CENI), which with the Constitutional Court approves the list of candidates and validates election results.

In 2017, the government and the opposition disagreed once again over the appointment of a new electoral commission to organize the 2021 presidential and legislative elections; the government unilaterally appointed the new electoral commission after the opposition boycotted the process. In October 2018, the opposition briefly returned to discussions related to the CENI and electoral reforms within the framework of the CNDP, but suspended participation again in November.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

By law, political parties may freely organize and conduct their activities. However, the PNDS-led government has employed a variety of tactics to interfere in the operation of opposition parties, including persecution of opposition leaders and the co-optation of key opposition figures. In 2017, opposition leader Hama Amadou, while in exile in France, was sentenced to one year in prison for alleged involvement in a baby-trafficking operation. He lost an appeal of the sentence in April 2018, and in June was removed from his seat in the National Assembly. Other members of the opposition have been temporarily arrested on charges of participation in unauthorized protests.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4

In theory, the opposition can mobilize support and increase its membership. However, the opposition has suffered a lack of leadership, partly due to the absence of Amadou, who is in exile. Currently the opposition parties are divided into five different coalitions and face serious difficulties in challenging the overwhelming dominance of the ruling coalition. In addition, the government's continuous repression of members of the opposition and attempts to co-opt key leaders has further hindered the opposition's ability to mobilize its base and gain power through elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Niger has experienced a number of military coups, the most recent in 2010, and the influence of the military still looms over the political sphere. The government claimed to have foiled another coup attempt in 2015, though it did not produce evidence. In December 2018, multiple military officers were arrested; though no formal charges have been issued, the timing and circumstances of the arrests appear similar to those of the alleged foiled coup attempt in 2015.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

The law provides for equal opportunity for all Nigeriens to seek political office and participate in political processes. However, in practice women have been underrepresented both in elected and cabinet positions. A parity law calls for women to hold 10 percent of parliamentary seats and 25 percent of cabinet positions. While the law has improved women's representation, the quota has not been respected, nor does it guarantee that women may participate equally once elected or installed in cabinet positions.

While two ethnic groups, Hausa and Zarma (or Djerma), have dominated many government positions, ethnic minorities are increasingly visible in politics, particularly Tuareg and Arabs.

C. FUNCTIONING OF GOVERNMENT: 6 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

Elected representatives were duly installed into office following the 2016 polls. However, the harassment of the opposition during the 2016 presidential and legislative election campaigns, as well as irregularities in the elections themselves, damage the government's legitimacy.

C2. Are safeguards against official corruption strong and effective? 2 / 4

There are a number of anticorruption authorities and programs. The High Authority for Combating Corruption and Related Crimes (HALCIA) is the official anticorruption body. The government operates an anticorruption hotline, and has established a program aiming to end corruption in the judiciary. In 2017, President Issoufou started a campaign calling for zero tolerance of corruption.

Despite these measures, corruption continues. No one in government has been held accountable for the so-called Uraniumgate scandal that emerged in 2017, which involved reports that a high ranking official had in 2011 illegally certified a \$320 million uranium transaction, and that the national treasury never received the money. Corruption is thought to be particularly high in the country's taxation agencies. Bribes are sometimes required to gain access to public services.

C3. Does the government operate with openness and transparency? 2 / 4

Implementation and enforcement of the 2011 Charter on Access to Public Information and Administrative Documents has been uneven. Government information related to the mining, uranium, and oil sectors, and state-operated companies, is often not disclosed.

In 2017, Niger, a global leader in uranium production, withdrew from the Extractive Industries Transparency Initiative (EITI). The development came a month after EITI had suspended the country, citing its failure to meet standards for transparent licensing allocation and contract disclosure, lacking a comprehensive public license register, and other concerns.

CIVIL LIBERTIES: 29 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 11 / 16

D1. Are there free and independent media? 2 / 4

In 2010, Niger adopted a press law that eliminated prison terms for media offenses and reduced the threat of libel cases. However, journalists continue to face difficulties, including occasional police violence while covering protests, and detention or prosecution in response to critical or controversial reporting. In April 2018, Baba Alpha, a journalist with Bonferey TV, was expelled to Mali after spending a year in prison after being convicted of using forged identity documents, with which authorities said he had been able to acquire Nigerien citizenship. Alpha had long been a government critic, and rights groups expressed concern about his conviction and expulsion to Mali, a country in which he had never lived. Earlier, in February, over a dozen news outlets, including radio, television, and newspapers, suspended their programming for one day to protest repeated attempts by authorities to confiscate journalists' equipment, as well as a proposal for a wide-ranging tax audit that would ensnare many media outlets, and was denounced by media owners and others as an intimidation tactic.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is generally respected in this overwhelmingly Muslim country. However, citing security concerns, the government has attempted to impose strict control over certain religious activities, including preaching, sermons in mosques, religious education, and religious holidays. In 2017, police arrested Muslims in Zinder for attempting to celebrate the Muslim holiday Eid al-Fitr on a different day than decreed by state officials.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Academic freedom is generally upheld, but universities are underfunded and poorly equipped. Frequent protests and strikes by students and faculty inhibit normal academic activities, and sometimes draw heavy-handed police responses. In April 2018, police responded violently to a student protest at the University of Niamey over the expulsion of five students who had allegedly assaulted a faculty member. Dozens of students were injured and university campuses were temporarily closed.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

Freedom of expression is generally upheld in Niger. However, the government has shown some intolerance of criticism, and has prosecuted people over remarks posted to social media platforms.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 2 / 4

Freedom of assembly is constitutionally guaranteed, but authorities do not always respect this right in practice, and police have at times used force to break up demonstrations. In 2017, the government announced the prohibition of public protests on "business days." In 2018, authorities refused to authorize several public protests, most of which were organized in opposition to a new Finance Law that had raised taxes on housing and electricity, or against the presence of foreign military forces in the country. In March, over two dozen activists were arrested on charges of participation in one such protest that went ahead without authorization. Authorities forcibly dispersed the gathering, and many of those arrested spent months in prison.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 2 / 4

The government occasionally restricts the operations of nongovernmental organizations (NGOs), and a lack of security in certain regions also impedes their functioning. In April, the heads of several NGOs were arrested for their roles in organizing antigovernment protests against the new Finance Law. In October, authorities expelled a doctor from Doctors Without Borders (MSF) for announcing what they alleged was a "false" death toll from malaria.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

While the constitution and other laws guarantee workers the right to join unions and bargain for wages, a large portion of the workforce is employed informally and lacks access to formal union representation. The legal definition of "essential" workers not permitted to strike is broad, and they can invoke mandatory arbitration processes to settle strikes.

F. RULE OF LAW: 6 / 16

F1. Is there an independent judiciary? 1 / 4

The constitution provides for an independent judiciary, and courts have shown some level of independence, though the judicial system is subject to executive interference. Recent rulings against opposition leaders and civil society activists have decreased trust in the judiciary.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Arbitrary arrests and imprisonments are frequent. Many people accused of crimes are held in pretrial detention for extended periods of time, sometimes in the same population as people convicted of crimes. In 2018, several military officers accused of plotting a coup against Issoufou's regime in late 2015 received between 5- and 15-year prison sentences, but only after they had spent over two years in pretrial detention.

States of emergency declared in several regions allow the army to engage in mass arrests and detain those suspected of links with terrorist organizations.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

Insecurity continues to plague many parts of the country. Some jihadist attacks took place in Diffa and northern Tillabéri. A reliance on nonstate armed groups to conduct counterterrorism operations has inflamed intercommunal tensions near the Niger-Mali border, leading to instances of violence. Furthermore, increased attacks by jihadist groups on the Burkina Faso border have prompted concerns about the potential for a new jihadist hotspot in that area. The government has extended states of emergency in the regions of Diffa, Tillabéri, and Tahoua several times in response to ongoing attacks.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

The rights of ethnic minority groups are protected by law. While two ethnic groups, Hausa and Zarma (or Djerma), have dominated economic positions, Tuareg and Arabs are increasingly represented. Same-sex sexual activity is not illegal in Niger, but same-sex relationships are highly stigmatized, and there is no protection against discrimination based on sexual orientation. 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.

Niger has made efforts to welcome Malian and Nigerian refugees and other forcibly displaced populations.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The constitution guarantees freedom of movement, but in practice free movement is hampered by militant activity and bribery by security officials who guard checkpoints.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

A number of complications undermine legal guarantees of the right to own property. Few people hold formal ownership documents for their land, though customary law provides some protection. However, the enforcement of both state and customary law often gives way to tensions and confusion. Women have less access to land ownership than men due to inheritance practices and inferior status in property disputes.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Family law gives women inferior status in divorce proceedings. Female genital mutilation was criminalized in 2003 and has declined, but it continues among a small percentage of the population. 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.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Although slavery was criminalized in 2003 and banned in the 2010 constitution, it remains a problem in Niger. Estimates of the number of enslaved people vary widely, but is generally counted in the tens of thousands. Niger remains a source, transit point, and destination for human trafficking. Extreme poverty and food insecurity precludes upward socioeconomic mobility for many people.

ecoi.net summary:

Annual report on political rights and civil liberties in 2018



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