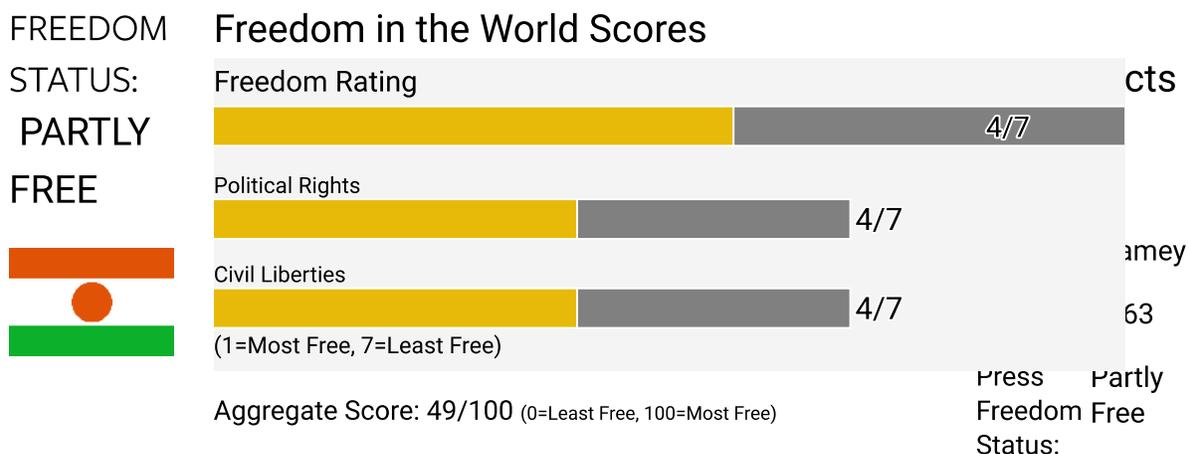




Freedom in the World 2018

Niger Profile



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 in 2017:

- In March, a court sentenced opposition leader Hama Amadou *in absentia* to one year in prison on charges of involvement in a baby trafficking scandal. The opposition has maintained that the charges are politically motivated. Other opposition



- The government extended a state of emergency in the Diffa Region several times, and in March declared a state of emergency in Tillabéri and Tahoua Regions, in response to jihadist attacks.
- In April, police responded violently to a protest by students in Niamey in response to new restrictions on stipends. One student was killed by a tear gas canister fired into her back.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 20 / 40

(-1)

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 in 2016. The elections took place in a context of political tension, as opposition leader Hama Amadou, Issoufou's most significant challenger for the presidency, was jailed during the entire electoral process, accused of involvement in a baby-trafficking scandal; he was eventually convicted of the charges in 2017. The elections



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 (one for each continent).

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 the election results.



PARTICIPATION: 8 / 16 (-1)

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 (-1)

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 cooptation 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. Other opposition leaders were imprisoned based on comments they made during meetings and in the media; these included remarks simply appealing for supporters to attend an antigovernment demonstration.

Score Change: The score declined from 3 to 2 because the operation of opposition parties is hampered by government persecution of party leaders.

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, because Amadou, the main opposition leader, is in exile in France, and members of his political party are regularly persecuted, the opposition's ability to mobilize its base and gain power through elections is limited.



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.

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. Two ethnic groups, the Hausa and the Djerma, still dominate many government positions.

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



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

Corruption remains a problem in Niger, and anticorruption laws are underdeveloped. In 2017, the press revealed a number of corruption scandals. The so-called Uraniumgate scandal, which came to light in February, involved reports that Finance Minister Hassoumi Massaoudou, who served previously as President Issoufou's chief of staff, had in 2011 illegally certified a \$320 million uranium transaction, and that the national treasury never received the money. After conducting an investigation, Parliament in April cleared officials of any wrongdoing, although opposition figures criticized the report.

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

In November 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.

Implementation and enforcement of the 2011 Charter on Access to Public Information and Administrative Documents has been uneven.

CIVIL LIBERTIES: 29 / 60 (+1)



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, include occasional police violence while covering protests, and detention or prosecution in response to critical or controversial reporting. In 2017, Ali Soumana, of the newspaper *Le Courrier*, was detained for two months on charges of violating judicial confidentiality in connection with an article describing an arrest warrant issued against a person involved in a dispute with the state. Journalists have also faced harassment and obstruction by officials who cite security grounds to justify their actions.

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, the government, citing security concerns, bans full face veils and large outdoor proselytizing events.

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 at universities.

D4. Are individuals free to express their personal views on



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 January 2017, the government announced the prohibition of public protests on “business days.” The government also refused to authorize several public protests in 2017, citing security concerns.

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

The government does not generally restrict the operations of nongovernmental organizations (NGOs), though a lack of security in certain regions impedes their functioning. However, citing a need to “clean up” the NGO sector, Minister of Community Development Amani Abdou in June 2017 announced plans for a new regulatory system that would, among other things, define “collaboration” with foreign NGOs, and require groups to submit more stringent reporting. Some activists have faced harassment from authorities who cite security grounds as justification for their actions.



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 thus lacks access to union representation. The legal definition of “essential” workers not permitted to strike is broad, and the government has the option of invoking mandatory arbitration processes to settle strikes.

In April 2017, police responded violently to a protest by students in Niamey in response to new restrictions on stipends. One student was killed after being shot in the back with a tear gas container. A number of senior members of the Niger Union of Students were arrested on charges of disrupting traffic, along with scores of other demonstrators.

F. RULE OF LAW: 6 / 16 (+1)

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. In 2017, a series of cases in which opposition leaders and civil society activists were given prison sentences further undermined the perception of the independence of the judiciary.

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

Arbitrary arrests and imprisonments are frequent. In March 2017, over a dozen civilian prisoners accused of taking part in plotting a coup against Issoufou’s regime in late 2015 were freed as a result of



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. In 2017, the militant group Boko Haram continued its attacks against the military and civilians in Diffa Region. Another jihadist group, the Islamic State in the Greater Sahara (ISGS), carried out attacks in Tillabéri and Tahoua Regions. Hundreds of civilians, dozens of Nigerien military, and four US soldiers were killed in various attacks during the year, and the violence has caused widespread internal displacement. The government extended a state of emergency in the Diffa Region several times, and in March declared a state of emergency in Tillabéri and Tahoua Regions in response to the ongoing attacks.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4 (+1)

The rights of ethnic minority groups are protected by law, though the Hausa and the Djerma dominate parts of the economy. 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.

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



country's open-door policy toward refugees from Iran and Nigeria.

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 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

Although the 2010 constitution prohibits gender discrimination, women suffer widespread discrimination in practice. Family law



a small percentage of the population.

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, with up to 44,000 individuals still in slavery. Niger remains a source, transit point, and destination for human trafficking. Extreme poverty and food insecurity precludes upward socioeconomic mobility for many people.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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