



« Action Plan for the consolidation of freedom of expression in Niger »

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I. Context and justification

From 1960 to 1990, press organs in Niger were exclusively owned by the State. For three decades, the Ministry of Information was entrusted with the supervision of the national radio as well as the “*Temps du Niger*” and “*Niger*”, the only newspapers published in the country. The situation remained unchanged up to 1990, when a former public press employee, Ibrahim Cheick Diop, launched the weekly paper Haské, the country’s first independent newspaper. This change of course immediately aroused the enthusiasm of the public, who have so far been used to “sterilised” information.

Taking advantage of the breach thus opened by democratic demands, other promoters launched new independent newspapers. Today, Niger has more than forty independent newspapers – even though only about ten are regularly published-, seventeen (17) private radio stations and two independent television channels. About a hundred community radios also broadcast in the hinterlands.

Freedom of speech in Niger was considerably strengthened, due to this diversity of information. The private newspapers and radios, through interviews and participatory discussions, served as a tribune to all citizens wishing to express their views about the management of public affairs. *Amnesty International* observes, for example, that “*the existence of an independent press, which emerged in 1990 after decades of State-controlled media, played a fundamental role in the defence of human rights and fundamental liberties of the individual in Niger*”.

However, Nigerien journalists encounter a lot of difficulties in the exercise of their profession. These include: a legal and institutional framework which is not only restrictive but abusive; the fact that journalists, magistrates and lawyers have limited knowledge about national, regional and international norms governing the media sector; and the poor participation of national stakeholders (media, human rights and socio-professional organisations) in the African and international mechanisms for the promotion and protection of freedom of speech. These difficulties, and the tendency for Niger’s authorities to imprison journalists, have resulted in the serious setback observed these past years with respect to freedom of speech and the press in Niger.

Through this action plan, which is a result of the seminar held in Niamey from 20 to 21 December 2006, ARTICLE 19 and the Network of Journalists for Human Rights (RJHD) seek to significantly improve the situation of freedom of speech in Niger, by initiating or encouraging actions aimed at ensuring that the legal framework and practices comply with regional and international standards.

II. General Objective

- Significantly consolidate freedom of speech in Niger by using regional and international mechanisms for the promotion and protection of freedom of expression
- Enhance the culture of transparency and access to information by the media and public.

III. Specific objectives

- Launch an advocacy for the decriminalization of press offences, notably the amendment of Order 99-67 of 20 December 1999 relative to press freedom in Niger ;
- Mobilise national stakeholders to ensure their active participation in the work of African mechanisms for the promotion and protection of freedom of expression ;
- Strengthen the capacities of national stakeholders (journalists, judges, human rights organisations and lawyers) on the use of international and African human rights mechanisms, by organising training sessions periodically.
- Strengthen the advocacy and lobbying capacities of national stakeholders on issues relating to access to information

IV. Expected results

- Decriminalisation of defamation and related press offences in Niger through the adoption of a new law in line with international standards on freedom of expression by the National Assembly;

- Active and effective participation of national stakeholders in the work of the African regional system of human rights;
- The capacities of national stakeholders are effectively strengthened.

V. Results indicators

- New law the recognised freedom of expression and the press in Niger adopted, promulgated and applied;
- Number of cases of violations of the rights to freedom of expression decreased
- Number of national stakeholders participating in the sessions of the African Commission on human and peoples' rights and other regional mechanisms increased
- Number of national training sessions organised for national stakeholders on key freedom of expression issues increased
- A progressive law on access to information adopted and applied.
- A training manual on freedom of expression and access to information proposed to higher learning institutions and public officials

VI. Activities scheduled

This action plan is structured around three major area namely: the reform of the legal and institutional framework; participation of national stakeholders in the African human rights mechanisms; capacity building,

Axis 1: Reforming the legal and institutional framework

Action 1: Organise a seminar and campaign activities for the decriminalization press offences

This activity consists in organising a three-day seminar to define the direction and the strategies of the campaign for the decriminalization of press offences in Niger. The seminar

will be attended by journalists, human rights activists, judges, lawyers, representatives of public authorities and national institutions. It seeks to sensitise these stakeholders about the advantages of decriminalizing of defamation and related press offences, which is still subject to ambiguous interpretations. The seminar will also serve as an opportunity to highlight examples of countries which have decriminalized press offences such as defamation, discuss and propose a draft text, consistent with the international standards. It will provide stakeholders with the opportunity to spell out the major thrusts of a campaign to ensure an effective decriminalization of press offences.

Action 2: Organise a Parliamentary Information Day on the decriminalization of press offences.

During the presentation of New Year greetings to the President of the Republic on 2 January 2007, the Prime Minister announced the Government's intention to submit a bill to decriminalization press offences, in March 2007. In its current version, the bill will replace imprisonment terms by very high pecuniary fines. This will contribute in gagging or even stamping out the young Nigerien press, already weakened by a depressing economic environment. The information day is meant to serve as an opportunity to conduct an advocacy and lobbying action addressed to parliamentarians to get them to propose amendments to the government's bill, with the aim of reducing the fines.

Action 3: Prepare and adopt a law on access to information

Niger is among the countries without a law guaranteeing citizens' access to public information. This situation considerably downgrades the quality of the work of journalists, who very often content themselves with rumours which earn them to unnecessary legal proceedings. In 2006, the Danish human rights Institute, in partnership with 'l'École Nationale d'Administration et de Magistrature', organised two seminars on the issue of freedom of information in Niger, preceded by a study. ARTICLE 19 facilitated part of the seminars. The next step is to prepare a bill consistent with regional and international standards; and initiate advocacy actions in order to obtain the buy in of authorities and adoption of the said bill by the parliament.

AXIS 2: PARTICIPATION OF NATIONAL STAKEHOLDERS IN AFRICAN MECHANISMS

Action 1: Participation in the sessions of the African Commission on Human and Peoples' Rights and other relevant AU and ECOWAS meetings

Despite the fact that they enjoy an observer status at the ACHPR, Nigerien organisations in general, and those in the media sector, in particular, are noticeable by their absence during the commission's sessions. There is need to provide financial support likely to ensure the participation of key freedom of expression and media organisations in the two ordinary sessions of the ACHPR. Such participation will give them a better understanding of the mechanisms of the African system for the promotion and protection of human rights. Brief-back sessions will be organised to share with other organisations that could not attend to expand the words and nurture interest at the national level.

Action 2: Production and submission of reports on freedom of expression Niger

This activity consists in the production of a periodic or factual report on freedom of speech in Niger. The quality of the report should comply with the standards in this regard. The report will be published at national level, and submitted to the African and U.N. Special Rapporteurs on freedom of expression, based on the appropriate procedures. The aim is to inform them about the progress, challenges and to seek support for the consolidation of freedom of expression in Niger

AXIS 3: STRENGTHENING THE CAPACITIES OF NATIONAL STAKEHOLDERS

Action 1: Training Seminar for Journalists

It was observed on several occasions, that journalists ignore national, regional and international texts governing their work, and freedom of expression and the communication sector in general. To correct this deficiency, series of training sessions will be organised for journalists on the following themes:

- National legislation, justice and freedom of expression;

- African and international mechanisms on freedom of expression

Action 2: Training Seminar for magistrates and lawyers

During the legal proceedings instituted against journalists, established professional deficiency are observed both among the judges trying them and some of the lawyers defending them. These defaults are essentially due to lack of in-depth knowledge about the national legislation on press offences, the lack of exposure to legal developments in the field of human rights and freedom of expression. There is need to bridge this gap by organising sensitisation training for them on:

- Key freedom of expression issues and their application/interpretation by courts around the world;
- The status of African and international mechanisms for freedom of expression in Niger;
- Freedom of expression and democratic development: the role of the judiciary

Action 3: Develop curricula on freedom of expression and of the press

The gaps observed in the knowledge of journalists, magistrates and lawyers with respect to freedom of speech and of the press are essentially due to the fact that these modules are not taught in the schools in which journalists and magistrates are trained. To solve the problem at the roots, there is need to develop training modules on national, regional and international mechanisms which guarantee freedom of speech. These modules will be developed in collaboration with l'École Nationale d'Administration et de Magistrature (ENAM) and l'Institut de Formation aux Techniques de l'Information et de la Communication (IFTIC).